By Mr. AYRES: A bill (H. R. 15683) granting an increase of pension to Laura Myers; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 15684) granting an increase of pension to Malinda Bollinger; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 15685) granting a pension to Mary Love Roberts; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 15686) for the relief of E. O. McGillis; to the Committee on Military Affairs.

By Mr. DOUTRICH: A bill (H. R. 15687) granting an increase of pension to Bertha H. Lafner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15688) granting an increase of pension to Sarah L. Seltzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15689) granting a pension to Maude Lingenfelter; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 15690) for the relief of Charles W. Byers; to the Committee on Claims.

By Mr. GARDNER of Indiana: A bill (H. R. 15691) granting a pension to Mary R. Gehlbach; to the Committee on Pensions.

Also, a bill (H. R. 15692) granting an increase of pension to Frances M. Roger; to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 15693) granting a pension to Charles H. Phillips; to the Committee on Pensions.

By Mr. HARDY: A bill (H. R. 15694) granting an increase of pension to Effie M. Britton; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 15695) granting an increase of pension to Lavina Imhoff; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 15696) granting a pension to Benjamin F. Gay, alias John Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15697) granting a pension to Edith McCann; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 15698) granting an increase of pension to Ella R. Crail; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 15699) granting a pension to Frances N. Myers; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 15700) for the relief of the heirs of William W. Head, deceased; to the Committee on the Public Lands.

By Mr. LEHLBACH: A bill (H. R. 15701) for the relief of Lieut. H. W. Taylor, United States Navy; to the Committee on Naval Affairs.

By Mr. MENGES: A bill (H. R. 15702) granting an increase of pension to Annie Bell; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 15703) for the relief of Louis Vauthier and Francis Dohs; to the Committee on Military Affairs.

By Mr. MURPHY: A bill (H. R. 15704) granting an increase of pension to Harriet J. Davis; to the Committee on Invalid Pensions.

By Mr. NEIDRINGHAUS: A bill (H. R. 15705) granting a pension to Joshua A. Tate; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 15706) granting an increase of pension to Laura A. Cram; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 15707) authorizing payment of compensation to Annie Hiscock; to the Committee on World War Veterans' Legislation.

By Mr. SNELL: A bill (H. R. 15708) for the relief of Louis Shybilska; to the Committee on Naval Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 15709) granting a pension to Roxie Pope Baker; to the Committee on Invalid Pensions.

By Mr. WARE: A bill (H. R. 15710) granting a pension to Charley M. Ardleman; to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 15711) granting an increase of pension to Elizabeth J. Malone; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8088. By Mr. EVANS of California: Petition of Lancaster Women's Club, for the ratification of the multilateral treaty; to the Committee on Foreign Affairs.

8089. Also, petition of Laura B. Jones and 38 others, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

8090. By Mr. HOOPER: Petition of Henry McDonald and eight other residents of Michigan, protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

SENATE

THURSDAY, *January 3, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Father of life and God of the living, as the sweeping course of time has brought us to the dawn of another year, we bless Thee for the constant memories of what we are that rise up within us, for the hush of solemn thoughts, for the moments of insight when the veil on the face of all things falls away, and for the hours of high resolve which quicken the life within.

As in the changing seasons nature by Thy hand shakes off her olden vesture, only to be clothed upon with renewed splendor, so now by Thy Spirit enter our lives, rid us of all Thou canst not approve, and clothe us with the garments of love and service. Bless our Nation and all who are in authority, sanctify our homes and hallow our relationships, that we may be a people in whom joy and peace are set forth as glowing sacraments of Thy presence. Through Jesus Christ our Lord. Amen.

EARLE B. MAYFIELD, a Senator from the State of Texas, and PETER NORBECK, a Senator from the State of South Dakota, appeared in their seats to-day.

THE JOURNAL

The legislative clerk proceeded to read the Journal of the proceedings of Saturday, December 22, 1928, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CREDENTIALS

The VICE PRESIDENT laid before the Senate the credentials of HIRAM W. JOHNSON, chosen a Senator from the State of California for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

EXECUTIVE DEPARTMENT,
STATE OF CALIFORNIA.

Know all men by these presents:

That it appears from the certificate duly executed by the secretary of state and filed in this office, and I, C. C. Young, Governor of the State of California, pursuant to the authority vested in me by law, do by these presents hereby certify that at the general election held on Tuesday, the 6th day of November, 1928, HIRAM W. JOHNSON was duly elected a Senator to represent the State of California in the Senate of the United States of America for a term of six years, as prescribed by law.

In witness whereof I have hereunto set my hand and caused to be affixed the great seal of the State at Sacramento this 18th day of December, 1928.

[SEAL.] C. C. YOUNG, *Governor.*

Attest:

FRANK C. JORDAN,
Secretary of State.

EXECUTIVE DEPARTMENT,
STATE OF CALIFORNIA.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, HIRAM W. JOHNSON was duly chosen by the qualified electors of the State of California a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1929.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed at Sacramento this 18th day of December, A. D. 1928.

[SEAL.] C. C. YOUNG, *Governor.*

Attest:

FRANK C. JORDAN,
Secretary of State.

The VICE PRESIDENT laid before the Senate the credentials of HUBERT D. STEPHENS, chosen a Senator from the State of Mississippi for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

JACKSON, MISS., *December 26, 1928.*

To the SECRETARY OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, HUBERT D. STEPHENS was duly chosen by the qualified electors of the State of Mississippi a Senator from said State to represent said State in

the Senate of the United States for the term of six years beginning on the 4th day of March, 1929.

Witness my signature and the great seal of the State of Mississippi this 26th day of December, 1928.

[SEAL.] WALKER WOOD,
Secretary of State.

The VICE PRESIDENT laid before the Senate the credentials of DAVID I. WALSH, chosen a Senator from the State of Massachusetts for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

THE COMMONWEALTH OF MASSACHUSETTS.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES, greeting:

This is to certify that on the 6th day of November, A. D. 1928, DAVID I. WALSH was duly chosen by the qualified voters of said Commonwealth a Senator, to represent said Commonwealth of Massachusetts in the Senate of the United States for the term of six years, commencing on the 4th day of March, A. D. 1929.

Witness, His Excellency Alvan T. Fuller, our governor, and our great seal, hereunto affixed, at Boston, this 5th day of December, A. D. 1928, and of the independence of the United States of America, the one hundred and fifty-third.

[SEAL.] ALVAN T. FULLER.

By his excellency the governor:

F. W. COOK,
Secretary of the Commonwealth.

The VICE PRESIDENT laid before the Senate the credentials of ARTHUR H. VANDENBERG, chosen a Senator from the State of Michigan for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION

STATE OF MICHIGAN.

We, the undersigned, State canvassers, from an examination of the election returns received by the secretary of state, determine that, at the general election, held on the 6th day of November, 1928, ARTHUR H. VANDENBERG was duly elected United States Senator for the term ending March 4, 1935.

In witness whereof we have hereto subscribed our names at Lansing this 1st day of December, 1928.

JOHN S. HAGGERTY,
Secretary of State.
FRANK D. MCKAY,
State Treasurer.
WEBSTER H. PEARCE,
Superintendent of Public Instruction, Board of State Canvassers.

STATE OF MICHIGAN,
Department of State, ss:

I hereby certify that the foregoing copy of the certificate of determination of the board of State canvassers is a correct transcript of the original of such certificate of determination on file in this office.

In witness whereof I have hereto attached my signature and the great seal of the State, at Lansing, this 1st day of December, 1928.

[SEAL.] JOHN S. HAGGERTY,
Secretary of State.

Mr. JONES. Mr. President, I present the certificate of election of my colleague C. C. DILL, of Washington, and ask that it may be read.

The credentials were read and ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION

UNITED STATES OF AMERICA,
THE STATE OF WASHINGTON.

This is to certify that at the general election held in the State of Washington on the 6th day of November, 1928, C. C. DILL received the highest number of votes cast for the office of United States Senator of said State of Washington, and was therefore duly elected to said office as appears from the official returns of said election duly transmitted to the Secretary of State of said State as duly canvassed and certified in the manner provided by law.

In witness whereof I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 10th day of December, A. D. 1928, and of our State the thirty-ninth year.

[SEAL.] ROLAND H. HARTLEY, *Governor.*

By the governor:

A. M. KITTO,
Assistant Secretary of State.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On December 22, 1928:

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title; and

S. 4126. An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances.

On December 31, 1928:

S. 4302. An act to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher; and

S. J. Res. 167. Joint resolution limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States.

REPORT OF THE GOVERNOR OF PORTO RICO

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 12 of the act of Congress of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith, for the information of the Congress, the twenty-eighth annual report of the Governor of Porto Rico, including the reports of the heads of the several departments of the government of Porto Rico and that of the auditor, for the fiscal year ended June 30, 1928.

I recommend that the report of the Governor of Porto Rico, without appendices, be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 3, 1929.*

CONTROL OF PREDATORY ANIMALS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on investigations made by the Department of Agriculture as to the feasibility of a 10-year cooperative program for the control of predatory animals within the United States, together with the estimated cost, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry.

JOHN F. WHITE AND MARY L. WHITE

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of an investigation of the claim of John F. White and Mary L. White, of Riverton, Wyo., for compensation for alleged damages and injuries to the property and persons of said claimants and their children sustained in an automobile accident in the Shoshone and Arapahoe Indian Reservation, which, with the accompanying report, was referred to the Committee on Indian Affairs.

USELESS PAPERS IN THE GENERAL ACCOUNTING OFFICE

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of papers and documents on the files of the General Accounting Office which are not needed in the transaction of the public business and have no permanent value or historical interest, and asking for action looking toward their disposition, which, with the accompanying report, was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. JONES and Mr. OVERMAN as members of the committee on the part of the Senate.

GRAY ARTESIAN WELL CO.

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of the Gray Artesian Well Co. against the United States, which, with the accompanying report, was referred to the Committee on Claims.

SETTLEMENT OF SHIPPING BOARD CLAIMS

The VICE PRESIDENT laid before the Senate a communication from the vice chairman of the United States Shipping Board, transmitting, pursuant to law, a report of claims arbitrated or settled by agreement from October 16, 1927, to October 15, 1928, by the United States Shipping Board and/or the United States Shipping Board Merchant Fleet Corporation, which, with the accompanying report, was referred to the Committee on Commerce.

WASTE-PAPER SALES IN GOVERNMENT PRINTING OFFICE

The VICE PRESIDENT laid before the Senate a communication from the Public Printer, transmitting, pursuant to law,

a report on the disposition of useless papers in the Government Printing Office from February 16, 1928, to December 28, 1928, which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the Veterans of Foreign Wars of the United States at their national encampment, favoring the early completion of the quota of capital ships in the United States Navy, and urging that cruiser, aircraft carrier, and other auxiliary vessels, including naval personnel and equipment, be brought up to required strength and standing, which were ordered to lie on the table.

Mr. ROBINSON of Arkansas. I present petitions signed by several thousand employees of the St. Louis & San Francisco Railway Co., praying that the Congress enact legislation for the regulation of interstate commerce carried on by corporations and individuals engaged in transportation by buses. I move that the petitions be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. BORAH. Mr. President, I have a number of petitions and resolutions relative to the pending peace treaty, with a letter accompanying the petitions. I ask that the letter be printed in the RECORD and that the resolutions and petitions lie upon the table for future reference in case that may be desired.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

NATIONAL COMMITTEE ON THE CAUSE AND CURE OF WAR,
New York City, December 28, 1928.

To the Hon. WILLIAM E. BORAH,
Chairman of the Committee on Foreign Relations,
and to the Senate of the United States.

SIRS: On behalf of the National Committee on the Cause and Cure of War, we, the undersigned, beg to present the following facts:

This committee, composed of 10 national women's organizations, including the largest and most generally distributed in our country, with some millions of members, has conducted an educational campaign on behalf of the Briand-Kellogg pact. The aim has been to carry to the people of our country knowledge of the purpose and intent of the treaty and to bring back to the United States Senate the evidence of public approval.

With this end in view, more than 10,000 meetings have been assembled, covering each of the 48 States. Fifty-one State and sectional conferences were held in 39 States, sponsored by the National Committee on the Cause and Cure of War and cooperated in by many organizations of men and of women not connected with the committee. Conventions of organizations unrelated to our own have devoted the whole or a part of a session to the treaty. Hundreds of the most eminent men and women of our country have addressed these meetings, which were not accompanied by spectacular features and in which opportunity was always given, in the true American spirit of free speech, for discussion, for questions, or for opposition.

In order to secure for the Senate evidence of the state of public opinion the following resolution was read, discussed, and put to vote at each meeting:

"Whereas the rising tide of public opinion throughout the world favors reason not force, arbitration not battles, as the means of settling disputes between nations; and

"Whereas out of correspondence and negotiations among the great powers, begun in January, 1928, has come a multilateral treaty, open to all nations, proscribing war as an instrument of national policy among the signatories and engaging them by solemn pledges to find peaceful methods of settling any dispute that may arise; and

"Whereas these negotiations have progressed so far that on August 27, 1928, at Paris, the treaty was duly signed by the representatives of 15 nations and now awaits ratification by each of these countries according to its custom, and all other nations have been invited to join in it; and

"Whereas we regard the treaty as one of the outstanding events of our century and welcome it as an indication that war may actually be abolished as an instrument of policy among civilized peoples: Be it

"*Resolved*, That we hereby pledge to this undertaking our earnest and active support, and urge the Senate of the United States, in response to public opinion, to ratify the treaty when presented."

The total number of resolutions thus adopted is at this date 10,057. The seven States having passed the largest number are—

Pennsylvania	1,156
Minnesota	932
Michigan	814
Colorado	654
New Jersey	561
Illinois	532
Iowa	509

These resolutions, signed by officials of the meeting and stating numbers present and numbers voting for and against, are on file at our headquarters, room 1015, Grand Central Terminal Building, New York City, and are at the disposal of the Senate when and if requested, each State being held for the examination of the Senators of that State. For the present purposes a list of the resolutions, with places and occasions when passed, is submitted for your convenience. The mere list of these resolutions weighs 1 pound and 9 ounces and the resolutions themselves, if placed end to end, would measure nearly 2 miles.

The reports are in singular agreement in their assurance that few persons have been found who oppose, doubt, or criticize the treaty, the general opinion favoring ratification without reservations.

We are convinced from our experience of the past six months that the women of this Nation are more united in their indorsement of this treaty than we have ever known them to be on any other question. Men have been more cautiously anxious to learn the opinion of party and business leaders, but with these doubts removed they have been as ardent in their support as women.

Therefore we petition your honorable body, on behalf of this enormous evidence of public interest, to grant an early ratification of the treaty, without reservations.

Yours sincerely,

CARRIE CHAPMAN CATT,
General Chairman.
JOSEPHINE SCHAIN,
Secretary.

Mr. FESS presented petitions numerously signed by sundry citizens in the State of Ohio, praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. FRAZIER presented petitions signed by over 1,908 citizens of the States of North and South Dakota, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. KENDRICK presented memorials numerously signed of the Cody Rod and Gun Club and sundry citizens of Ishawooa, Powell, Cody, Valley, Wapiti, Elk, Burlington, Greybull, Byron, and Emblem, all in the State of Wyoming, remonstrating against the passage of Senate bill 2571, to change the boundaries of the Yellowstone National Park by taking in the headwaters of the Yellowstone River, etc., which were referred to the Committee on Public Lands and Surveys.

Mr. SHORTRIDGE presented 6,994 petitions and letters and papers in the nature of petitions from sundry civic, educational, religious, and patriotic organizations and citizens, all in the State of California, praying for the ratification of the Kellogg multilateral treaty for the renunciation of war as an instrument of national policy, which were ordered to lie on the table.

Mr. BLAINE presented numerous petitions and papers in the nature of petitions of civic and religious organizations and sundry citizens in the State of Wisconsin, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. BURTON presented a petition signed by sundry members of the First Baptist Church of Greater Cleveland, Ohio, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Springfield, Oberlin, Quaker City, Batesville, Delaware, and Yellow Springs, all in the State of Ohio, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. SHIPSTEAD presented petitions of sundry citizens of Minneapolis and Osceola, Minn., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Minnesota, praying for the adoption of Senate Resolution 242, providing for an inquiry as to the appropriateness of amending article 231 of the treaty of Versailles for the purpose of establishing the World War guilt, which was referred to the Committee on Foreign Relations.

Mr. SHEPPARD presented petitions of sundry citizens of Amarillo, Dallas, Elgin, and Friendswood, all in the State of Texas, praying for the ratification of the so-called Kellogg treaty for the renunciation of war, which were ordered to lie on the table.

He also presented the petition of members of the congregation of Temple Beth-el, of San Antonio, Tex., praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. CURTIS presented numerous resolutions adopted by civic and religious organizations in the State of Kansas, praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented the petition of members of Federal Employees Local No. 49, of Leavenworth, Kans., praying that employees of the various soldiers' homes may receive salary increases through the operation of the so-called Welch Act, which was referred to the Committee on Civil Service.

Mr. JONES presented petitions of sundry citizens of Kennewick, Eltopia, Seattle, Plain, Friday Harbor, Oroville, Hoquiam, East Sound, Aberdeen, Satsop, Cheney, Port Orchard, Oakville, Okanogan, Elma, Walla Walla, Prescott, Nespelem, and Spokane, all in the State of Washington, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented the petition of members of Prospect Congregational Church, of Seattle, Wash., praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

He also presented numerous petitions signed by over 4,150 citizens of the State of Washington, praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. BINGHAM presented petitions of sundry citizens of Stamford, New Haven, Hartford, and East Hartford, all in the State of Connecticut, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented resolutions adopted by the Men's Community Bible Class, of East Hartford, Conn., favoring the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented a memorial signed by 56 students of the Yale Divinity School, New Haven, Conn., remonstrating against the adoption of the so-called naval building program, which was ordered to lie on the table.

He also presented a petition of 50 citizens of Sound View, Conn., praying that the Government develop Muscle Shoals, Boulder Dam, and the St. Lawrence River power project and "run the business for the benefit of all," which was ordered to lie on the table.

He also presented a petition of sundry citizens of Kohala, Territory of Hawaii, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. CAPPER presented a petition of sundry citizens of Washington, D. C., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

He also presented petitions, numerously signed, of the Saline County Woman's Christian Temperance Union and sundry citizens of Clifton, Riley, Buffalo, and Lawrence, all in the State of Kansas, praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented resolutions adopted by the Missionary Society and the Women's Missionary Association of the First Presbyterian Church; the Sunday School and the Women's Missionary Society of the Waco Avenue United Brethren Church; the Sunday School of the College Hill Methodist Episcopal Church; the Gold Star Mothers; and the Mary Dobbs and Frances Willard Women's Christian Temperance Unions, all of Wichita; the Friend's Bible School and the Sunday Schools of the First Baptist and Methodist Episcopal Churches of Argonia; the Wyandotte and Grand View Women's Christian Temperance Unions; the congregations of the London Heights and Central Avenue Methodist Episcopal Churches of Kansas City; the Women's Christian Temperance Union, Hutchinson; the Woman's Missionary Society of the United Presbyterian, United Presbyterian and Reformed Presbyterian Churches and the Woman's Christian Temperance Union of Sterling; the Woman's Literary Club, the Women's Foreign Missionary Society, and the Methodist Episcopal Sunday School and the Woman's Christian Temperance Union, Syracuse; the Woman's Christian Temperance Union, Lawrence; the Methodist Episcopal and Friends Churches, Haviland; the Woman's Christian Temperance Union, Eureka; the Woman's Temperance Union, Lost Springs; the Woman's Christian Temperance Union, Everest; the Sunday Schools of the Presbyterian and Methodist Episcopal Churches and the Woman's Christian Temperance Union, White City; the Woman's Christian Temperance Unions of Yates Center, Oakley, Gardner, Topeka, Mulvane, Wakefield, Hazelton, Ashland, Fort Scott, Courtland, Miltonvale, Parsons, Glasco; the Brethren Church, McLouth; the Woman's Missionary Society, Oxford; the Christian Church, Arkansas City; the Current Literature Club, Fort Scott; the First Methodist Episcopal Church, Parsons; the Missionary Society, Glasco; and the Methodist Episcopal Sunday School, Bluff City, all in the State of Kansas, favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. McLEAN presented a telegram and letters in the nature of petitions from the American Legion Auxiliary of Wethersfield, and Litchfield County Chapter, Reserve Officers' Association, of Litchfield, in the State of Connecticut, praying for the adoption of the proposed naval building program, which were ordered to lie on the table.

He also presented petitions and papers in the nature of petitions of the Woman's Foreign Missionary Society; sundry citizens; League of Women Voters; Connecticut Section, National Committee on the Cause and Cure of War; National Council of Jewish Women, all of Hartford; Men's Community Bible Class and sundry citizens of East Hartford and League of Women Voters of West Hartford; the Fairfield County League of Women Voters of South Norwalk; Business and Professional Women's Club; Council of Jewish Women of Norwalk and Association of University Women of Norwalk and Westport; Woman's Christian Temperance Union of Meriden; League of Women Voters of Meriden; League of Women Voters of Stamford and League of Women Voters of New Britain; faculty and students of Berkely Divinity School; Woman's Foreign Missionary Society; League of Women Voters; Young Women's Christian Association of New Haven; Young Women's Christian Association of Bridgeport; League of Women Voters of New London; League of Women Voters of Middletown; sundry citizens of Middletown and League of Women Voters of Windsor; Women Voters of Baltic; League of Women Voters of Stonington; League of Women Voters of Mystic; Riverside Women's Civics Club of Sound Beach; Salisbury League of Women Voters of Lakeville; League of Women Voters of North Branford; League of Women Voters of New Milford; League of Women Voters of South Manchester; Woman's Club of Suffield; League of Women Voters of Greenwich; League of Women Voters of Norwich and congregation of the Methodist Episcopal Church of Lakeville; American Legion Auxiliary, Department of Connecticut; Rau-Locke Post, No. 8, American Legion Auxiliary and American Legion of Hartford; American Legion Auxiliary, Naval Unit No. 110, and American Legion Auxiliary, No. 47, of New Haven; Delacour Post, No. 42, American Legion of Bridgeport; Post No. 45, American Legion of Meriden; Eddy-Glover Unit No. 6, American Legion Auxiliary, New Britain; American Legion of Middletown; Auxiliary Frank C. Godfrey Post, No. 12, American Legion of Norwalk; George Alfred Smith Post, No. 74, American Legion Auxiliary of Fairfield and Senger Post, No. 10, American Legion of Seymour, all in the State of Connecticut, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

CONSTRUCTION OF CRUISERS

Mr. VANDENBERG. Mr. President, I present a telegram, which I ask may be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The telegram was read and ordered to lie on the table, as follows:

DETROIT, MICH., *December 18, 1928.*

Hon. ARTHUR H. VANDENBERG,
United States Senate, Washington, D. C.:

The allied veterans of three wars in Michigan join with us in urging your whole-hearted support of the replacement cruiser construction bill immediately. We want naval disarmament agreement ratio of 5–5–3 maintained without deviation. Europe having turned down America's offer for further naval reduction in armaments the past year, self-respect and the national defense command action.

Col. A. H. GANSSER,
President Michigan State Senate.

REPORT OF THE COMMITTEE ON MILITARY AFFAIRS

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (H. R. 10478) providing retirement for persons who hold licenses as navigators or engineers who have reached the age of 64 years and who have served 25 or more years on seagoing vessels of the Army Transport Service, reported it with amendments, submitted a report (No. 1377) thereon, and moved that it be referred to the Committee on Civil Service, which was agreed to.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on December 22, 1928, that committee presented to the President of the United States the enrolled bill (S. 4126) authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved,

and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 5106) granting a pension to Jasper O. Craig;

A bill (S. 5107) granting a pension to Van Letsinger; and

A bill (S. 5108) granting an increase of pension to Robert N. Pitts; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 5109) granting a pension to Ellen Tarbutton; to the Committee on Pensions.

By Mr. NYE:

A bill (S. 5110) validating certain applications for and entries of public lands, and for other purposes; to the Committee on Public Lands and Surveys.

A bill (S. 5111) to authorize the President of the United States to present in the name of Congress a medal of honor to Lieut. Carl Benjamin Eielson; to the Committee on Military Affairs.

By Mr. McMASTER:

A bill (S. 5112) providing for the examination and survey of the Missouri River from Sioux City, Iowa, to Chamberlain, S. Dak.; to the Committee on Commerce.

By Mr. SHORTRIDGE:

A bill (S. 5114) granting a pension to Stephen Sawyer; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 5115) granting an increase of pension to Lydia Ann Collins (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 5116) granting a pension to Hamilton Miller;

A bill (S. 5117) granting a pension to George W. Smith; and

A bill (S. 5118) granting a pension to Mary R. Wood; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5119) to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes, and for other purposes; to the Committee on Military Affairs.

By Mr. BAYARD:

A bill (S. 5120) granting an increase of pension to Abigail J. Barton (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5121) to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes," approved January 30, 1925; to the Committee on the District of Columbia.

A bill (S. 5122) granting a pension to Lucinda Cox (with accompanying papers);

A bill (S. 5123) granting an increase of pension to Nancy M. Montrose (with accompanying papers);

A bill (S. 5124) granting an increase of pension to Nancy J. Hopkins (with accompanying papers); and

A bill (S. 5125) granting an increase of pension to Cordelia Cummins (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 5126) for the relief of Gertrude Lustig; to the Committee on Claims.

A bill (S. 5127) to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868; to the Committee on Indian Affairs.

By Mr. FLETCHER:

A bill (S. 5128) granting a pension to Louise Koch; to the Committee on Pensions.

A bill (S. 5129) authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State Road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla.; to the Committee on Commerce.

By Mr. JONES:

A bill (S. 5130) granting a pension to Mary L. Tanner (with accompanying papers); and

A bill (S. 5131) extending the provisions of the pension laws relating to Indian war veterans to Capt. H. M. Hodgis's company, and for other purposes; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 5134) granting a pension to Laura M. Leach (with accompanying papers); and

A bill (S. 5135) granting a pension to Marietta K. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 5136) granting an increase of pension to Catherine Ramsey; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 5137) granting a pension to Victoria Van Duzer; to the Committee on Pensions.

A bill (S. 5138) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 26, 29, and 30 of the United States warehouse act, approved August 11, 1916; to the Committee on Agriculture and Forestry.

By Mr. ROBINSON of Indiana:

A bill (S. 5139) granting a pension to Della Coffman;

A bill (S. 5140) granting an increase of pension to Annie L. Herbert; and

A bill (S. 5141) granting an increase of pension to Annie E. Edwards; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 5142) granting a pension to John R. Gilbert (with accompanying papers);

A bill (S. 5143) granting a pension to James C. Virdin; and

A bill (S. 5144) granting an increase of pension to Margaret E. Roseboom (with accompanying papers); to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 5145) granting an increase of pension to Harriet A. Shea (with accompanying papers); to the Committee on Pensions.

(By request.) A bill (S. 5146) to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo; and

(By request.) A bill (S. 5147) to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah; to the Committee on Indian Affairs.

By Mr. BROOKHART:

A bill (S. 5149) for the relief of the widow of First Lieut. William C. Williams, jr., Air Service Reserve Corps, United States Army; to the Committee on Military Affairs.

A bill (S. 5150) granting a pension to Frances Lukens (with accompanying papers);

A bill (S. 5151) granting a pension to Otis H. Shurtliff; and

A bill (S. 5152) granting an increase of pension to Mary L. Hoffman (with accompanying paper); to the Committee on Pensions.

By Mr. CARAWAY:

A bill (S. 5153) for the relief of E. A. Ahrens; to the Committee on Claims.

By Mr. NORBECK:

A bill (S. 5155) granting a pension to Fredrik S. Ross (with accompanying papers);

A bill (S. 5156) granting a pension to John G. Brickel (with accompanying papers);

A bill (S. 5157) granting a pension to Flora Rotzler (with accompanying papers);

A bill (S. 5158) granting an increase of pension to Esther A. Colwell (with accompanying papers);

A bill (S. 5159) granting an increase of pension to Lena Lenning (with accompanying paper);

A bill (S. 5160) granting an increase of pension to Betsy Anderson (with accompanying papers);

A bill (S. 5161) granting an increase of pension to Etta Brown Linn (with accompanying papers);

A bill (S. 5162) granting an increase of pension to Fannie Bonk (with accompanying papers);

A bill (S. 5163) granting an increase of pension to William Nellis (with accompanying papers); and

A bill (S. 5164) granting an increase of pension to John Scott (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 5165) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, in Ramsey and Hennepin Counties, Minn.; to the Committee on Commerce.

A bill (S. 5166) for the relief of the dependent relatives of Roswell Watson Gould; to the Committee on Military Affairs.

A bill (S. 5167) granting an annuity to Robert K. Brough; and

A bill (S. 5168) granting a pension to Otto S. Langum (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 5169) granting an increase of pension to Cora A. Dunham (with accompanying papers); and

A bill (S. 5170) granting an increase of pension to Mary F. Cateract (with accompanying papers); to the Committee on Pensions.

By Mr. HAYDEN:

A bill (S. 5171) granting an increase of pension to William D. Wood; to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 5172) granting a pension to Cordelia J. McKinney (with accompanying papers);

A bill (S. 5173) granting a pension to Frank Kramer (with accompanying papers);

A bill (S. 5174) granting a pension to Virginia Watkins (with accompanying papers);

A bill (S. 5175) granting a pension to Henry Thomas (with accompanying papers);

A bill (S. 5176) granting a pension to John Musgraves (with accompanying papers); and

A bill (S. 5177) granting a pension to Mike Zwitchy (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 5178) to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear;* to the Committee on Commerce.

By Mr. JONES:

A bill (S. 5179) to improve the efficiency of the Lighthouse Service, and for other purposes; to the Committee on Commerce.

By Mr. FRAZIER (by request):

A bill (S. 5180) to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes; to the Committee on Indian Affairs.

BRIDGE ON SOBOBA INDIAN RESERVATION, CALIF.

Mr. JOHNSON. Mr. President, I introduce a bill which I ask may be referred to the Committee on Indian Affairs, and, in connection with it, I ask that there may be printed in the RECORD a letter from Mr. Finney, the Acting Secretary of the Interior, in respect to it.

The bill (S. 5113) to authorize an appropriation to pay half the cost of a bridge on the Soboba Indian Reservation, Calif., was read twice by its title and referred to the Committee on Indian Affairs, and, there being no objection, the accompanying letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
December 28, 1928.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: This will refer further to your letter of December 11, transmitting for report and recommendation a copy of H. R. 15092, to authorize an appropriation of $11,000 to pay half the cost of a bridge across the San Jacinto River. The title of the bill refers to the bridge as being on the Soboba Indian Reservation, in the State of California. This is erroneous, as the bridge is not on but near the reservation, as stated in line 6 of the bill.

The reservation comprises 4,450 acres, with 22 Indian homes, a subagency, and hospital. While, as above stated, the site of the bridge is not on the reservation, it affords the only convenient means of access thereto. The old bridge, a wooden structure, was destroyed by flood in the spring of 1927, and the reservation was entirely isolated for a few days, during which the river could not be safely forded. About 100 Indians live on the reservation, and at times half that number of hospital patients and employees.

It is estimated that a suitable bridge will cost about $22,000. While not on the reservation, yet, as the bridge is necessary from the standpoint of the Indians and governmental activities there, it would seem proper that the United States pay half the cost. It is, therefore, recommended that the bill be given favorable consideration.

Under date of December 20, 1928, the Director of the Budget advises that the proposed legislation would not be in conflict with the financial program of the President.

Very truly yours,

(Signed) E. C. FINNEY,
Acting Secretary.

THE "VESTRIS" DISASTER

Mr. JONES. Mr. President, in connection with the introduction of bills, I desire to ask to have printed in the RECORD, and also printed as a Senate document, the report of the commissioner who investigated the *Vestris* disaster. I hold his report in my hand. It is a very concise and complete report. While as a general rule I am not in favor of printing such reports in the RECORD and also as public documents, I think, owing to the widespread interest in this disaster, that this report should be printed in the RECORD, and, for the convenience of the Senate, it should also be printed as a Senate document. I therefore ask that that be done.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The report is as follows:

United States District Court, Southern District of New York, in the matter of an investigation into the causes and circumstances of the sinking of the S. S. *Vestris*

Report of United States Commissioner Francis A. O'Neill

REPORT OF THE COMMISSIONER—SCOPE AND PURPOSE OF INQUIRY

On November 15, 1928, there was filed with me by the United States attorney for this district an information relative to the sinking of the steamship *Vestris* on November 12. The information asked that there should be a rigid and impartial investigation in order to establish and perpetuate the facts while the witnesses were at hand, to determine the causes of the disaster, and to ascertain whether any law of the United States had been violated.

At the outset of the inquiry the British consul general in this city, on behalf of his Government, suggested that there be appointed nautical experts representing the British and American Governments, respectively, to sit with the court and advise on technical matters. This suggestion was immediately accepted. Thereupon, the British Government designated as its representative Capt. Henry McConkey, marine superintendent of the Cunard Line; and the American Government designated Capt. E. P. Jessop, formerly a captain in the United States Navy and marine superintendent of the Panama Canal, who had charge during the war of the repair of shipping in the port of Brest, France, and who was recommended by both the American and English Lloyds.

Thereafter both experts sat with the court continuously, and their reports have since been rendered.

The hearings were also continuously attended by counsel for the owners of the *Vestris,* who was given and who exercised the privilege of having called such witnesses as he desired and of having put to the witnesses such questions as he suggested. In addition, the court heard at length Capt. William H. Coombs, who stated that he managed a London organization representing 9,000 captains and officers in the English merchant marine.

The court sat almost continuously until December 6. There was taken, both orally and by affidavit, the testimony of a very large number of survivors and of other persons, including the marine superintendent of the Lamport & Holt Line, the inspector who conducted the annual inspection, and the head of the stevedoring firm who loaded the vessel. The officers of the ship were called and examined and given every opportunity to state what they knew or what they desired to say concerning the sinking of the *Vestris.* Such survivors as were not called would, as the United States attorney ascertained by inquiry out of court, have given mere cumulative evidence.

As a result of this cooperation the investigation was thorough and complete, the facts of the disaster have been clearly explained, public excitement has been allayed, and material is at hand to enable Congress and the Department of Commerce to bring constructive results from this unfortunate event. This report can not be concluded without officially noting the fine public service which this investigation has disclosed.

Passing details of the various decisions, in their nature not appearing in this record, involving professional and international courtesies, it is sufficient that the United States attorney, Charles H. Tuttle, has enjoyed the confidence and earned the lasting gratitude of the seagoing and general public by his scrupulous fairness, his thoroughness in the examination of witnessess and the marshalling of all material facts, and by his prompt initiation, entire conduct, and rapid conclusion of this important work.

Likewise, the voluntary contribution of the valuable time and services of the two nautical experts, Capt. Henry McConkey, marine superintendent of the Cunard Line for the British Government, and Capt. E. P. Jessop, of the United States Navy, retired, for the American Government, my advisers, has been beyond praise.

PRELIMINARY STATEMENT

On Saturday afternoon, November 10, at 4 o'clock, the *Vestris,* a passenger steamship of 17,000 tons displacement, 505 feet long and 61 feet of beam, built at Belfast, Ireland, in 1912, sailed for South America from the port of New York. Her clearance papers were issued

from the customhouse in the southern district of New York. She carried 129 passengers and 209 in the crew. She flew the British flag, and was owned by a British corporation, with an office in the southern district of New York. A few days previously she had received her annual inspection in this port by inspectors of the Steamboat Inspection Service; and the reports of the inspectors had been filed at the customhouse in the southern district of New York.

On Monday, November 12, at about 2.15 o'clock in the afternoon, she sank at a point nearly 300 miles east of Cape Henry. There survived about 77 per cent of the crew and about 46 per cent of the passengers. Twenty of the 27 women passengers and all of the 21 children were lost. Many of those lost were American citizens.

In response to an S O S signal sent from the *Vestris* on Monday morning at 9.58 o'clock a number of vessels arrived after nightfall at the position given by the *Vestris,* to wit, 37.35 north and 71.08 west. This position had been calculated by dead reckoning, and was about 37 miles west of her actual position. In consequence there was delay in locating the lifeboats, as is shown by the fact that the *American Shipper* reached the designated position at 7.30 o'clock Monday night, but located no survivors until after 4 o'clock Tuesday morning. The first survivors were found by the French tanker, the *Myriam,* at 4 o'clock Tuesday morning. Most of the survivors were brought to the port of New York and housed principally in the southern district of New York. A few survivors were carried by the American superdreadnought *Wyoming* to Norfolk, Va.

The *Vestris* carried 14 lifeboats, numbered consecutively from forward to aft. The odd numbers were on the starboard (right) side, and the even numbers on the port (left) side. The lifeboats on either side were capable of accommodating all the persons then on board. At about 11 o'clock Monday morning the captain ordered the port lifeboats Nos. 4 and 6 launched. The following is the history of each lifeboat at and after the sinking:

PORT LIFEBOATS

No. 2. Left on boat deck and sank with the ship.

No. 4. Lowered, but not completely launched. Filled principally with women and children and sank with the ship.

No. 6. Lowered, but not completely launched. Filled principally with women and children and sank with the ship.

No. 8. Lowered and launched. Filled principally with women and men passengers, also with children. In the process of lowering it from the boat deck a hole about 6 inches long was stove in it below the water line, to the knowledge of the officers in charge of lowering it. This hole was hastily and imperfectly covered with a piece of tin, nailed to the planking, and thereupon passengers and a few members of the crew to the number of over 50 persons were put in it. This lifeboat foundered about 30 minutes after being launched, and nearly all in it were drowned. The air-tight compartments broke up in the course of the night. It was sighted by the *Wyoming* almost wholly submerged, and four persons from about it were rescued.

No. 10. Launched and rescued by the *American Shipper.*

No. 12. Not launched; sank with the ship.

No. 14. Not launched; floated off empty from the deck and rescued by the *American Shipper.* Some of the crew swam to this empty lifeboat after the *Vestris* sank.

STARBOARD LIFEBOATS

No. 1. A motor boat. Launched with four persons in it, none of whom knew how to run the engine. Rescued by the *American Shipper.*

No. 3. Launched and rescued by the *American Shipper.*

No. 5. Launched and rescued by the *American Shipper.*

No. 7. Launched and rescued by the *American Shipper.*

No. 9. In launching one of the falls jammed, with the result that the boat plunged end first into the water and was broken.

No. 11. Launched and rescued by the *Myriam.*

No. 13. Not launched. Floated off the deck. Rescued by the *Berlin.*

The boats rescued by the *American Shipper* averaged about 25 occupants each.

A few persons were picked up alive from the water by the rescue fleet. Many dead bodies were sighted floating in life preservers and face down.

At the time of launching the lifeboats the sea was not rough and the sun was shining. During Sunday night the vessel had gradually acquired a list to starboard of 32 degrees, and at the time of sending out the S O S signal she was lying on her beam's end, in a sinking condition, with one of her three boilers out and the steam gradually failing in the other two. Shortly after the S O S signal the work of launching the lifeboats on the port side began. Nos. 4 and 6 were the first to be partly lowered and were filled with women and children. The process of lowering them occupied several hours, because the lifeboats caught on the sloping side of the *Vestris* and their weight when loaded strained their sides. The attempt to lower them was finally abandoned about one hour before the *Vestris* sank and they were left hanging, with their occupants, some feet above the water. No attempt was made to bring their occupants back to the deck of the vessel.

A principal contributing cause of the great loss of life was this unwise attempt to use the port boats first and for the passengers. Resort to the lifeboats was delayed until such an unjustifiably late hour on Monday that the list to starboard had become so great that any attempt to launch the port boats would inevitably be both very dangerous and very difficult. In fact, so difficult was it that several precious hours were consumed in this almost wholly unsuccessful attempt; and so dangereous was it that one of the boats was stove in, and, as several witnesses testified, other boats were strained as they scraped down the side of the *Vestris.* The port side, moreover, was the weather side, and even if Nos. 4 and 6 had ever reached the water they would have been in imminent danger of being dashed against the vessel's side. The danger and difficulty of this whole operation were also vastly increased by the action of the officers in loading the port lifeboats at or just under the promenade deck instead of using the rope ladders and in then attempting to send them, weighted nearly to capacity, down the sloping side of the *Vestris.* This attempt vastly increased the strain on the boats and tackle and vastly increased the friction between the boats and the vessel's side. The heavy list would tend to capsize the boats thus loaded before they reached the water and to open their seams. Moreover, the difficulty and danger of the whole proceeding were still further increased by the failure to place in any of the port boats an officer to take charge of them, as required by the elementary principles of seamanship. Instead, they were partly manned by colored members of the crew who, while willing enough, were not trained or experienced in the conduct of so delicate an operation or in the handling of a lifeboat when launched. The extreme unwisdom of the course and methods thus chosen is sufficiently demonstrated by the result, the disastrous character of which was practically inevitable and should have been foreseeable by any competent understanding of conditions as they were.

On the other hand, with the exception of No. 13, which was a "spare" boat not equipped for launching over the side, and with the further exception of No. 9 accidentally destroyed through the jamming of a fall, all the starboard boats were easily and speedily launched, without strain or injury, when the crew resorted to them after the attempt to launch the passengers from the port side had ended in catastrophe. The starboard side was the lee side. The sea was much calmer there; and the list of the vessel was such that the boats swung out readily, had but a short distance to drop, and by the use of ropes could easily have been drawn to the side of the *Vestris* and loaded from one of the decks. The very fact that, with the exception of No. 9, they all were successfully floated and preserved all their occupants (to wit, over 65 per cent of the crew), demonstrates the complete practicableness of resort to the starboard boats, and that many more lives would have been saved had these boats been resorted to first.

The argument that because of the great list of the vessel, the passengers could not safely have been brought down from the port to the starboard side, is without merit. The list would not have been so great, if so many precious hours had not been wasted in the disastrous attempt to use the port boats, and, in any event, a timely placing of ropes athwart ship would have enabled the passengers to have reached safely the starboard boats from the port side. No such ropes were strung.

While the launching of the boats was conducted without panic or signs of cowardice on the part either of the passengers or of the crew, there was an almost total absence of organization. The organization and assignments which were supposed to be in force were almost wholly abandoned, and no new organization was created. No general directions to prepare the lifeboats, the passengers, and the crew for leaving the vessel were given; no order to abandon the ship was issued; the passengers were not directed to put on life belts; the vessel was not made ready for the operation; the officers in charge of the respective lifeboats did not, in the great majority of instances, go to their respective stations or make any general attempt to distribute the passengers to their proper boats; the members of the crew did not (with few exceptions) enter the lifeboats according to the assignments existing when the vessel sailed; and the lifeboats when launched were not properly officered and manned.

This failure on the part of the personnel and the unwise methods pursued are the more extraordinary inasmuch as the approach of danger was gradual and apparent; and it left ample time to conduct an effective and properly organized operation.

The women and children were put in the lifeboats first, but, as above stated, adequate measures to secure their safety were not taken.

CONCLUSIONS AS TO THE CIRCUMSTANCES SURROUNDING THE SINKING

Inasmuch as the reports of the experts, Captain Jessop and Captain McConkey, are comprehensive, I shall not analyze in detail the causes and circumstanes of the sinking of the *Vestris.* My general findings and conclusions are as follows:

(1) The *Vestris* had the lowest limit of metacentric height for safety.

(2) The necessary data for computing her margin of stability are not on file in this country; and she put to sea without her margin of stability having been ascertained by or known to her owners or the Government inspectors.

(3) The vessel was not overloaded. Her cargo was not improperly stowed.

(4) Her lifeboats when she sailed from New York were in fair condition and were fairly well equipped. At the time of the annual inspection of the vessel in this port several weeks previously they were not tested for leakage by being placed in water or by being filled with water. As a matter of fact, all the boats which were launched leaked, the majority of them so badly that several occupants of each were bailing continuously until rescued. This leakage resulted in no loss of life. The disaster to lifeboat No. 8 was due to the hole stove in her during launching.

(5) The life preservers, while buoyant, did not comply with the general rules and regulations prescribed by the American Board of Supervising Inspectors or by the British Board of Trade. This subject I will elaborate later.

(6) In the official report of the inspector employed by the United States Government who conducted the annual inspection in the early part of last November he affirmed that "every lifeboat was lowered to water or to a wharf and lifted clear of the water or wharf with boat loaded to capacity." This affirmation was not true, and the inspector knew it was not true when he made it. No lifeboat was either so lowered or so raised. The explanation now attempted that lighters were alongside does not excuse either the misstatement or the failure to make the designated test.

(7) With the exceptions above stated there is no evidence that the annual inspection was not properly conducted.

(8) The storm which the *Vestris* encountered on Sunday, November 11, 1928, was severe, but its duration was short; and a vessel of her size ought to have passed through it readily if well found and seaworthy.

(9) Early Sunday morning the vessel began to acquire a permanent list to starboard. This list originated in the coming of water in large quantities into the stokehold through a badly leaking ash ejector and into the engine room from a lavatory scupper pipe. This list gradually but steadily increased until the vessel lost all stability and capsized.

(10) Late Sunday afternoon large quantities of water began to pour down the working alleyways from the companionways leading to the forward well deck. The wooden doors which protected these companionways were neither water-tight nor sufficiently strong. This water flowed down into the starboard bunkers.

(11) The half door on the starboard side did not become a serious contributing cause of the increasing list until the vessel had listed 11½ degrees. Such a list began to submerge the door; and, since the door was far from water-tight, water came in around its edges in a quantity and with a force beyond the power of the crew to stop it.

(12) The water from the half door and from the companionways flowed into the starboard bunkers through the hatches in the floor of the shelter deck. On the forward side of the athwartship alleyway leading from the starboard half door there is an opening into the adjoining bunker, which opening is only 4 feet from the half door. The opening begins within 11½ inches of the floor, runs to the ceiling, and is 3 feet wide. It was barred only by planks. The water flowed over this low sill into the bunker.

(13) As to the hatches in the floor of this athwartship alleyway the evidence is conflicting as to whether and when on Sunday they were covered, and whether, if covered, they were covered only with canvas or with wood. The weight of the evidence points to merely a canvas covering. But a definite finding on this subject is immaterial, since the water could easily penetrate the shelter-deck bunker through the large opening above mentioned. When once in that bunker the water would go downward into the lowest bunker.

(14) The shift in the cargo at 7.30 p. m. Sunday was too slight to be a factor contributing to the disaster.

(15) The chief engineer did not employ the full capacity of the pumps as promptly as he should have; nor does he seem to have taken adequate measures to assure that the pump suctions were clear.

(16) The orders given by the captain on Sunday afternoon and evening to pump out starboard bilge tanks 5, 2, and 4 seriously reduced the stability of the ship and tended to increase rather than to rectify the list.

(17) As the list increased, and ports on the starboard side became submerged, various ports leaked and became contributing factors.

(18) The vessel was supposed to be so constructed as to possess 10 water-tight compartments. No orders were given to close the water-tight doors in these compartments; and, apparently, they were not closed.

(19) Conditions were so desperate at 4 o'clock Monday morning that due regard for the safety of the passengers should have prompted a prudent master to send out the S O S at that hour. The delay for six hours caused the great loss of life. If the S O S had been sent out at 4 o'clock, vessels would have been standing by in a calm sea before the *Vestris* sank.

(20) Conditions were so desperate even as early as Sunday at midnight that prudence should then have dictated the course of locating other vessels by wireless, in order that a proper judgment as to when to request immediate assistance could have been formed. No such effort was made until about 9 o'clock Monday morning.

(21) As already stated, the whole operation of abandoning ship was delayed far too long and was inefficiently and improperly conducted.

(22) The decision to launch the port lifeboats first caused a loss of several precious hours and was a disastrous error.

(23) The messages sent to the captain by the chief engineer during Sunday and Monday morning that he was holding the water with the pumps were not in accord with the fact, patent to both, that the list was increasing.

(24) The crew seems to have been competent, if led, but they were not properly led.

(25) The act of the officers in putting women and children and male passengers into lifeboat No. 8 when the officers knew that it had a large hole in it below the water line, was inexcusable. Sound boats, more than sufficient for all, were available.

(26) The launching of the motor boat without anyone capable of operating the engine, defeated the whole purpose of having a motor boat among the lifeboats, and contributed to the loss of life.

(27) Prior to the sending out of the distress call on Monday, November 12, the *Vestris* had had no communication with the owners or with the *Voltaire,* or with any other vessel, concerning her condition.

(28) At the time of sending out the distress call the freighter *Montoso* was within several hours' steaming distance of the *Vestris.* The *Montoso* carried no wireless and was unaware of the danger to the *Vestris.*

(29) All vessels equipped with wireless and near enough to the *Vestris* to be of any practical assistance promptly responded to the distress call.

THE APPARENT IMMUNITY OF THE "VESTRIS" FROM THE EXISTING REGULATIONS FOR INSURING SAFETY AT SEA

As I have already stated, the inspector, Edward Keane, who conducted the annual inspection of the *Vestris* in the early part of November affirmed in his report of such an inspection that "every lifeboat was lowered to water or to a wharf, and lifted clear of water or wharf, with boat loaded to allowed capacity"—although he knew that neither such lowering nor such lifting had occurred at all. Section 4405 of the Revised Statutes of the United States authorizes the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, to establish all necessary regulations required to carry out, in the most effective manner, the provisions of the laws of the United States for the inspection and regulation of steam vessels and their equipment, and further provides that such regulations, when approved by the Secretary of Commerce, "shall have the force of law."

Section 4488 of the Revised Statutes provides that "every steamer navigating the ocean" shall be provided with such numbers of lifeboats and life preservers as will best secure the safety of all persons aboard such vessel in case of disaster; and further that "every sea-going vessel carrying passengers, and every such vessel navigating any of the northern or northwestern lakes, shall have the lifeboats required by law provided with suitable boat-disengaging apparatus so arranged as to allow such boats to be safely launched while such vessels are under speed or otherwise and so as to allow such disengaging apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water. And the Board of Supervising Inspectors shall fix and determine, by their rules and regulations, the character of lifeboats, floats, rafts, life preservers, line-carrying projectiles, and the means of propelling them." Pursuant to these statutes the Board of Supervising Inspectors adopted and there was in force at the time of the annual inspection of the *Vestris* the following requirements concerning the testing of lifeboats:

"Each boat shall be of sufficient strength to enable it to be safely lowered into the water when loaded with its full complement of persons and equipment.

"At every annual inspection of a passenger vessel every lifeboat shall be tested by lowering to the water, or when it can not be lowered to the water, to a wharf, and loaded to its allowed capacity, evenly distributed throughout its length. The boat shall then be lifted clear of the water or wharf to determine that the boat and falls are of sufficient strength. In making the above test of lifeboats the weight of each person shall average at least 140 pounds. When dead weight is used the weight shall be equivalent to at least 140 pounds for each person allowed." (Secs. 4405, 4488, R. S.)

As already stated, the report of Edward Keane falsely affirmed compliance with this regulation in his annual inspection of the lifeboats of the *Vestris*; but, when he was on the stand he placed before the court the following communication from the Department of Commerce dated May 1, 1913:

"Under date of April 12, 1913, file No. 57256. This bureau informs the supervising inspector of the second district, New York, N. Y., that the amendment to section 5, rule 3, of the General Rules and Regulations, which reads as follows: 'At every annual inspection of a vessel every lifeboat shall be tested by being lowered to the water or to a wharf, where a boat can not be lowered to the water, and lifted clear of the water or wharf, on block and falls, with the boat loaded with persons to the allotted capacity.' 'In making the test of lifeboats as required in this section the weight of a person is to be taken as 140 pounds' applies only to American vessels and not to foreign vessels."

Mr. Keane testified that this ruling had never been changed.

Similar testimony was given by Mr. John L. Crone, who is supervising inspector in the second district for the Steamboat Inspection Service, and

who stated that the foregoing requirements as to the annual inspection and testing of lifeboats on ocean steamships carrying passengers had been ruled by the Department of Commerce not to apply to foreign vessels leaving American ports.

Under these circumstances it is obvious that no inspector could be successfully prosecuted or otherwise held accountable for not thus testing lifeboats of foreign vessels in connection with their annual inspection, and in particular it is difficult to see how Mr. Keane could even be prosecuted for falsely stating that the test had been made when he knew that it had not. In other words, the lifeboats on the *Vestris* were immune from American requirements as to tests. So, also, they were immune so far as American inspection is concerned from testing in accordance with the very strict requirements of the British Board of Trade, for Mr. Crone testified that those requirements were held applicable only in the case of vessels going to English home ports. We have therefore the astonishing and disquieting fact that there is no legal requirement for the periodical testing of lifeboats on foreign vessels leaving American ports for ports other than a home port of the foreign country, and that any testing which may take place is, in consequence, purely voluntary and no adequate basis for holding the inspector to any definite accountability.

So likewise as to life preservers, section 4417 of the United States Revised Statutes provides concerning annual inspections in American ports of all ocean-going, steam passenger vessels:

"The local inspectors shall, once in every year, at least, carefully inspect the hull of each steam vessel within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers and the crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life preservers, floats, anchors, cables, and other things are faithfully complied with; and if they deem it expedient they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment."

Section 55 of the general rules and regulations prescribed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, provides among other things:

"At each annual inspection of any vessel, and oftener if deemed necessary, it shall be the duty of the inspectors making the inspection to examine and inspect all life preservers in the equipment of such vessel and satisfy themselves (or himself) that such life preservers are in accordance with the requirements of the Board of Supervising Inspectors."

The same section also provides as to the character of the life preservers required, as follows:

"Every life preserver adjustable to the body of an adult person, manufactured after February 10, 1923, shall be of the reversible type, made of suitable material approved by the Board of Supervising Inspectors, with straps properly attached on each side of the body of the life preserver (thus making it reversible), with recesses under the arms, thereby allowing the front and back sections to fit around the upper part of the wearer, and held in place by the straps, and the upper part of the life preserver shall be made vestlike, the whole so constructed as to place the main buoyant body of the device underneath the shoulders and around the body in a manner that it will support the person wearing it in an upright or a slightly backward position."

This section in substantially this form has been in force since the middle of 1919.

Nevertheless the life preservers on the *Vestris* did not comply with these requirements in the following respects:

(1) They had no "recess under the arms, thereby allowing the front and back sections to fit around the upper part of the wearer."

(2) They were not "so constructed as to place the main buoyant body of the device underneath the shoulders and around the body in a manner that it will support the person wearing it in an upright or a slightly backward position."

On the contrary, all the life preservers on the *Vestris* were of the old-fashioned type consisting of plain slabs of cork which went around the waist, with the result that if the wearer became unconscious his face would tend to fall forward or backward into the water—thus accounting for the fact testified to by Captain Overstreet of the battleship *Wyoming* and other witnesses, that many persons were seen dead with their faces in the water, notwithstanding that they wore life preservers.

There is no evidence that the life preservers on the *Vestris* were manufactured prior to June, 1919, and examination of the sample received in evidence tends to show that they had not been manufactured so long ago.

Mr. John L. Crone, the supervising inspector of the second district of the United States Steamboat Inspection Service, testified that, precisely as in the case of the tests for lifeboats, the requirements for life preservers were not deemed to apply to foreign vessels leaving our ports; and that the requirements of the British Board of Trade concerning life preservers, which are even more effective and explicit than the American requirements in the matter of holding the head of an unconscious wearer out of the water, were not deemed applicable to foreign vessels unless they were going to a home port in a foreign country.

I can not but believe that some of the loss of life was due to the failure of these life preservers to comply with the essential and important purpose of both the American and British requirements that the head of an unconscious wearer should be kept above the water.

I also, and with great deference, can not agree with the thought that under the statutes of the United States the foregoing American requirements both as to lifeboats and life preservers are not applicable to foreign vessels not proceeding to a home port in a foreign country. On the contrary, an examination of sections 4400, 4417, and 4488 shows that by express declaration the provisions thereof are applicable to "all foreign private steam vessels carrying passengers from any port of the United States to any other place or country."

Furthermore, section 4400 expressly provides that "all" such vessels "shall be liable to visitation and inspection by the proper officer in any port of the United States respecting any of the provisions of the sections aforesaid"—including the said sections relative to life preservers and lifeboats.

The only exception allowed by the statute is in case of foreign passenger steamers belonging to countries with inspection laws approximating those of the United States and having unexpired certificates of inspection issued by the proper authorities in the respective countries to which they belong. In the case of such excepted vessels the law provides that they shall be subject "to no other inspection than to satisfy the local inspectors that the condition of the vessel, of boilers, and life-saving equipment are stated in the current certificate of inspection."

The *Vestris* was not such an excepted vessel, and she did not hold a current certificate of inspection from the inspecting authorities in Great Britain. Under the circumstances I am of the opinion that the *Vestris* and the multitude of other foreign vessels here leaving our ports for ports other than their home ports are not immune from the American requirements as to life preservers and lifeboats, and that the supposition and practice which extends to them such immunity are without authority of law, dangerous to life, and unfair to American seagoing vessels.

The unfortunate character of the present situation can be well illustrated by the following extracts from the testimony of Mr. Crone:

"Q. Mr. Crone, you do not mean to say that there has been any judicial interpretation that these requirements of law concerning life preservers are not applicable to foreign ships, do you?—A. I do not believe that I get that.

"Q. (Question repeated.)—A. Not that I know of.

"Q. Do you say that there is some express ruling made by the Secretary of Commerce that these requirements of law as to life preservers, as embodied in these regulations do not apply to foreign ships sailing from this port and having their annual inspection here?—A. Not by the Secretary of Commerce.

"Q. Not by the Secretary of Commerce. Well, then, isn't this the truth, simply: That the practice of this port has been not to enforce those regulations as regards foreign ships?—A. Now you are referring to the rules and regulations of the Board of Supervising Inspectors?

"Q. Yes.—A. Quite true, and I think it is universal throughout the country.

"Q. What I am trying to get at is because it is very important in this inquiry to determine, what is the legal authority on which that practice rests? Does it rest on anything? You have admitted it does not rest on anything in the statute and you have admitted it does not rest on any regulations or rule adopted by the Department of Commerce. I am interested therefore in finding what, in view of this disaster, it does rest on.—A. I think we have circular letters from the bureau in Washington advising us in particular what is applicable to the equipment on foreign ships." (P. 1276.)

"Q. Is there any regulation of your department which requires you to see that a foreign ship conforms with the regulations of their own countries?—A. Yes. In the case of countries which have reciprocal relations with the United States, and whose inspections of vessels and equipment are approximately the same as the United States—I would not say the same—are equally as good—we see that they have the equipment on board which is required by their home government certificate, a certificate issued, we will say, in the case of an English ship, issued by the board of trade, and where the duty is then to see that the ships have the equipment which that certificate calls for, and that it is in good condition.

"Q. Did you do that in the case of the *Vestris*?—A. The *Vestris* is not inspected under treaty for the reason she does not go home to a British port for her home government inspection." (P. 290.)

"Q. That suggested another thought to me, Mr. Crone. The *Vestris* was not held to British requirements because it did not go to a British port; that is right, isn't it?—A. Yes.

"Q. And didn't I understand you to say according to the practice throughout the country, these general rules and regulations prescribed by

the Board of Supervising Inspectors of April 10, 1928, did not apply to ships flying foreign flags?—A. Generally the rules of the Board of Supervising Inspectors do not apply to foreign ships." (P. 1291.)

This practice, thus admitted to be common in the ports of our country, I regard as contrary to public policy and to the plain letter of the statutes of the United Sates. Every ocean-going vessel bearing passengers from our ports should be made to comply with our American requirements as to life preservers and lifeboats, except in a case where—as provided in section 4400 of the Revised Statutes—the foreign vessel carries a current certificate of inspection issued by a foreign government having inspection requirements approximating those of the United States. Such a current foreign certificate the *Vestris* did not have.

Note must also be taken of the testimony of the supervising inspector in this port that many ocean-going American vessels are, like the *Vestris*, continuing to carry the old-style type of life preserver on the theory that the requirements in force since 1919 do not apply to life preservers previously bought. It would seem that the lapse of nearly 10 years since the present requirements came into force was more than ample time within which to secure life preservers in accordance with the requirements adopted in that year. The new requirements are obviously better calculated to protect life, and that consideration should now outweigh the comparatively small cost of installing life-saving equipment in accordance with the present law. The existing practice of passing these old life preservers opens the door wide to evasion of the requirements in force since 1919; and it countenances the use of apparatus which, if it is actually as old as claimed, has nearly or wholly outrun the period of its serviceable life.

RECOMMENDATIONS

The chief usefulness of this investigation lies in the constructive results which may be drawn from the lessons of the disaster as now disclosed. Accordingly, as such constructive results, I recommend the following:

(1) The present practice whereby foreign steam vessels carrying passengers from our ports to ports other than home ports of the country to which they belong, are treated as immune from the requirements of law as to lifeboats and life preservers, should be abolished. It is plainly contrary to public policy and common sense that the *Vestris* should not have been fully under our regulations because she carried a British flag, and was not examined under the British Board of Trade rules because she did not touch at British ports. Such a practice invites disaster.

(2) All vessels subject to our requirements of law as to life preservers should be required immediately to procure life preservers in accordance with the requirements in force since 1919, the purpose of which requirements is to insure a design which will keep an exhausted person's head above water. The present practice of passing life preservers not in accordance with those requirements on the plea that they were purchased prior to 1919 opens the door to subterfuge and, as shown by the experience of the *Vestris*, endangers life.

(3) The Steamboat Inspection Service should inaugurate a method of testing lifeboats for watertightness in cases where due to the loading of the vessel or for other reasons, the lifeboats can not be lowered into the water.

(4) All ocean-going steamers and motor ships, both freighters and passenger carriers, should be required to install wireless with competent wireless operators capable of maintaining continuous watch. Had such requirements been in force, the *Montoso* could have been along side of the *Vestris* long before the latter sank.

(5) Regulations should be made requiring that all sea connections and piping thereto be located where they may be capable of inspection at sea, and repaired.

(6) Regulations should be made requiring owners to furnish full and accurate stability data for all vessels using United States ports as bases for passenger traffic; and these data be kept up to date. Without such data clearance papers should not be issued.

(7) The law governing limitation of liability in case of marine disaster should be amended so that owners may not have the benefit of such limitation where they have not taken reasonable means to examine and determine the competency of the principal officers of the vessel.

(8) The agencies both here and abroad under whose authority examinations of officers and the issuing of licenses to such officers come, should study their method of examination for licenses for the purpose of injecting into those examinations larger means of determining the executive ability of the applicant.

(9) Present life-saving apparatus should be supplemented by requirements for rafts of approved construction.

(10) With the aid of competent technical advisers investigation should be conducted into improved designs of lifeboats, improved devices for launching lifeboats, and improved designs for life preservers and other buoyant material.

(11) There should be created in the Steamboat Inspection Service a technical staff empowered to pass upon the design of all commercial vessels, with respect particularly to construction materials, stability, bulkheads, pumps, and other factors making for stability and buoyancy.

(12) The rules and practice should be so changed as to require the thorough inspection of all openings in the shell plating of the ship, such as cargo ports, coal ports, scuppers, and discharge pipes of all kinds.

(13) A full study should be made, either by Congress or the approaching international conference on safety of life at sea, of the ancient rules of admiralty law as to salvage and limitation of liability on the part of the owners. These rules came into being before the construction of modern rapidly moving ships, and before the wireless enabled vessels at sea to communicate instantly with each other and with the owners on shore. Obviously, the amount of salvage which can be claimed by a rescuing ship may cause the captain of the vessel in distress to delay too long the sending of an appeal for help. So, likewise, the ancient fiction of law whereby the ship itself is treated as solely responsible for any disaster which overtakes it, is, under modern conditions of travel, grossly unjust to passengers and their dependents; and it puts a premium on slackness and penuriousness on the part of owners in keeping vessels in seaworthy condition and equipped with all modern, scientific devices for insuring stability, buoyancy, and safety.

(14) At the same time a full study should be made of the possibility of more humane legislation for the protection of the seamen in the crew. The principle of compulsory workmen's compensation in hazardous employments has become embodied in the statutes of many States. The members of the crew of a seagoing vessel are certainly engaged in a hazardous employment; and, since because of lack of official position, they have no control over the management of the vessel, they are exposed to the hazards not only of the sea but also of the ability of their officers. In the event of disaster, they and their families have at present no effective redress or compensation whatever.

I request the United States attorney to cause this report, the reports of the two captains, and the testimony taken in the case to be forwarded to the chairmen of the respective committees of the Senate and the House of Representatives of the United States having jurisdiction over the framing of applicable legislation.

Dated, New York, December 19, 1928.

FRANCIS A. O'NEILL,
United States Commissioner.

Mr. FLETCHER. Mr. President, in connection with the *Vestris* disaster, I have a communication from Capt. Earl P. Jessop, United States Navy, retired, who sat at the hearing, which I ask to have printed in the RECORD following the matter printed on the request of the Senator from Washington. The communication from Captain Jessop has some very valuable thoughts and suggestions.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

NEW YORK CITY, *December 13, 1928.*

Senator DUNCAN U. FLETCHER, of Florida,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In thinking over the recent investigation of the *Vestris* the items which I believe should be made the subject of regulatory action would seem to cover the following:

1. The vessel sailed from the port of New York with several non-water-tight hatches in decks where the hatches should have been watertight, and it was these hatches which caused the sinking.

2. She sailed from New York with a thoroughly incompetent set of officers, and while I believe the fact that it will be very difficult to lay down a set of rules for determining the competency of officers, yet I do believe that in a case as striking as this one, where there is left no shadow of a doubt that the officers were thoroughly incompetent, that in such a case the company should be loaded with a liability therefor. Just how that can be brought about I am not clear on.

3. The condition of the vessel as to stability, metacentric height, etc., was not known by anyone when the vessel sailed.

This vessel was built in England in 1912, and at that time she was given what we call an inclining experiment and her metacentric height was obtained and stability curves laid out for her. Between 1914 and 1918, 1,700 tons of refrigerating machinery and insulation piping, etc., were installed in the ship, and at that time she should have been reinclined and a new set of stability curves developed.

If the statement of the owners to the court is to be believed, no such calculations were made, so that no one knew whether this vessel had sufficient stability to make her reasonably safe or not.

I was informed yesterday of what I consider a very great discrepancy in our laws. I was informed that even though our Steamboat Inspection Service were to find a foreign vessel unseaworthy on inspection it is very questionable whether the customhouse could refuse clearance papers to her. That certainly is a point which should be looked into.

There are many other points with regard to our methods of inspecting and clearing vessels which will bear investigation.

I do not think such an investigation can be properly made without the inclusion in any body, which is designated to make the investigation, of technical men to cover all sides of the subject. I think there

should be on any such commission at least one representative of the American Bureau of Shipping, one naval constructor, one admiralty lawyer, one or two master mariners, representatives of shipowners and operators carefully chosen from those who have a national reputation of competence, one marine engineer, and sufficient assistance to make the work effective.

It would be impossible for a committee of Congress, without the assistance of some such commission, to effectively take care of such a subject, because there is a tremendous amount of technique and experience necessary to prevent the passing of laws which will still further load down our merchant marine without accomplishing any real good.

As you know, it is comparatively easy to pass laws but very difficult to have them abrogated if they are wrong or do not work, so that this subject should be approached with great care to prevent that happening.

You will excuse, I am sure, my writing to you on this subject, but, having just been through the terrible experience of finding out that ships could be sent to sea so ill prepared as this vessel was, I feel rather strongly on the subject.

Very truly yours,

E. P. JESSOP.

NEW YORK CITY, *December 24, 1928.*

Senator DUNCAN U. FLETCHER,

United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER: I am in receipt of your letter of December 20, asking me if I would object to your inserting my letter of the 13th in the CONGRESSIONAL RECORD.

I would be very glad to have you do that. I would like also to add the following to what I said in that letter:

At the present time there is so little requirement with regard to basic education which merchant marine officers have to show in examination that I believe the following should be considered.

We have in this country several very excellent nautical schools which are maintained partly by the States in which they are located and partly by the United States Government. These schools are each one superintended by a retired naval officer and they cover in their curriculum subjects with regard to stability of ships, loading of ships, and all sorts of knowledge which is most important for the masters or for the chief officers to have. Such a school forces study, and since it is competitive, alertness of mind, inculcates discipline, initiative, and executive ability, all of which are so necessary when an emergency arises. They also train the officers in the handling of lifeboat equipment to a much greater extent than is done elsewhere in the merchant service.

To-day men with a diploma from these school ships are not given any special recognition which places them above the ordinary master or mate who, without education, has managed to pass the Steamboat Inspection Service examination.

It would be a very excellent thing if we could devise some way by which the Shipping Board would be required to give preference to graduates of nautical schools in hiring their officers. A diploma from one of these State nautical schools, accompanied by the requirement—sea experience—should certainly give us a higher type of merchant marine officers than we have to-day, and with such encouragement these schools could turn out sufficient young men each year well grounded in basic principles to fill all the requirements of the demand for seamen, quartermasters, boatswains, and junior officers.

Of course this does not touch foreign ships, but it would at least assure us that we were doing the best we could to insure competence of officers of American ships.

I am inclosing copies of the kind of examination these young men are put through.

Please accept my best wishes for a merry Christmas and a very happy New Year.

Yours very truly,

E. P. JESSOP.

Mr. SHIPSTEAD. Mr. President, if the Senator from Washington will allow me to ask him a question in connection with the *Vestris* disaster to which he has referred, does the Senator know whether or not the lack of the enforcement of the La Follette Seamens Act was involved in that disaster?

Mr. JONES. I am not prepared to say whether that is true or not. I just received the commissioner's report the other day and have not had time to go into it in detail fully, but I have secured permission to have the report printed in the RECORD, and also as a Senate document for the convenience of Senators, and it may then be examined into very carefully, and the committee also will look into the matter very carefully.

Mr. SHIPSTEAD. Very well.

INSPECTION OF FOREIGN VESSELS

Mr. JONES. Mr. President, in connection with the report, which I have just had printed in the RECORD, I will also say that while the commissioner makes many recommendations that will need very careful consideration and which should be considered as promptly as possible, he calls attention to one rather strange circumstance, and that is that foreign vessels, flying foreign flags, have no inspection except when they leave their home ports, and there is no inspection of them authorized in our ports either as to life-saving instrumentalities, such as lifeboats, or anything of that sort. It has been held by a decision rendered by somebody in the Commerce Department in 1913 that our inspection laws do not apply to foreign vessels even when leaving American ports. That, it seems to me, should merit prompt and early action. So I desire to introduce a bill dealing with these two phases of the situation. I ask that the title of the bill may be read, and then that it may be referred to the Committee on Commerce.

The bill (S. 5132) subjecting foreign vessels leaving American ports to the inspection laws of the United States, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

ADMINISTRATION OF PROHIBITION ACT

Mr. KING. Mr. President, I introduce a bill transferring the administration of the Prohibition Unit to the Department of Justice, and ask its reference to the Committee on the Judiciary.

The bill (S. 5133) transferring to the Department of Justice certain rights, privileges, powers, and duties relating to the national prohibition act, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENT OF CIVIL SERVICE CLASSIFICATION ACT

Mr. BROOKHART. I introduce a bill providing for the amendment of the Welch Act, so as to make it correspond to the bill as it passed the Senate.

The bill (S. 5148) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, was read twice by its title and referred to the Committee on Civil Service.

UNITED STATES COURT OF ADMINISTRATIVE JUSTICE

Mr. NORRIS. Mr. President, I ask the indulgence of the Senate for a very few moments while I explain the bill which I am about to introduce.

The bill provides for the creation of a court which I have designated the United States court of administrative justice.

The effect of it will be to do away with several other courts and bureaus that now pass upon claims of various kinds against the Government of the United States.

I wish to say, to begin with, that I do not expect to obtain action on this bill at this session. I think, however, it is of sufficient importance that the Senate, particularly, and the country generally, should know, in a brief way, just what is sought to be accomplished by the bill. My object in introducing it now is to bring about a discussion and a consideration of it, in a general way, by Members of Congress, by Government officials, by attorneys generally, and by the people at large.

The bill is rather broad in its scope, its intention being to simplify the procedure, to do away with some useless officials, and to bring about expedition and efficiency in the settlement of claims against the United States. The proposed court will have no other jurisdiction than that, but it is the intention of the bill to gather together all cases against the United States of all kinds, to abolish some present existing courts and boards that handle them in different ways, and to have them handled by one tribunal.

Prior to 1855 there was no law for suits against the United States, though during the very earliest days of the Government there sprang up a procedure, which was approved by the Supreme Court of the United States, of the maintenance of suits on common-law principles against collectors of customs and against collectors of internal revenue. Thus we had the anomalous procedure of trials by jury at common law of questions whether a particular importation, for instance, was an article described in the tariff acts. Such suits against collectors of customs continued until 1890, when there was established a Board of General Appraisers, now the Customs Court, to hear appeals from the collectors of customs. At first the decisions of the Board of General Appraisers were reviewable in the circuit courts of appeal, but in 1911 such appeals were abolished and there was created a Court of Customs Appeals to exclusively hear appeals from the Board of General Appraisers with the possibility, in certain instances, of further review in the Supreme Court of the United States. At the present time suits against collectors of customs for refund of duties are not permitted and we have a customs court consisting of nine judges to hear appeals from the collectors of customs and a Court of Customs Appeals consisting of five judges to hear appeals from the Court of Customs. During the present session of Congress

bills passed both the Senate and House of Representatives in different forms and are now before conferees transferring from the Court of Appeals of the District of Columbia to the Court of Customs Appeals all appeals from the Commissioner of Patents. That bill is now in conference; the conferees have had one meeting and have taken it up in considerable detail, but have decided not to take further action on it, because there is pending in the Supreme Court of the United States a suit which it is expected will be decided within the next 30 or 60 days that will settle a very important constitutional question involved particularly in the Senate bill.

Suits against collectors of internal revenue have not developed in a similar manner. This is due, perhaps, to the fact that until the sixteenth amendment to the Constitution the larger part of our governmental revenue was derived from tariff duties and no great attention appears to have been given to the procedure of suits against collectors of internal revenue for refund of taxes erroneously or illegally collected. The courts sustained suits against collectors of internal revenue on the same common-law principles that they had sustained suits against collectors of customs, and it is possible to-day to step into a district court of the United States and see in progress a trial before a jury of a suit against a collector of internal revenue involving the most complicated and intricate questions of bookkeeping, amortization of capital investments, depreciation, or numerous other technical questions arising under the income tax laws. In addition to this procedure of suits against collectors of internal revenue a taxpayer may sue the United States in the district court under its concurrent jurisdiction with the court of claims or in the United States Court of Claims, or sue the Commissioner of Internal Revenue in the Board of Tax Appeals or bring a mandamus against the collector of internal revenue and the Secretary of the Treasury in the Supreme Court of the District of Columbia. Decisions of both the district courts and the Board of Tax Appeals are reviewable, as of right, in the circuit courts of appeal, while decisions of the circuit court of appeal, the Court of Claims, and the Court of Appeals of the District of Columbia are reviewable on certiorari in the Supreme Court of the United States.

There is no necessity for these various remedies for a taxpayer whose most earnest desire is for a prompt and accurate review of his claim in the courts, and if any reason ever existed for the establishment of the Board of Tax Appeals, which is neither a part of any executive department nor a part of the judicial branch of the Government, that need is diminishing with the adjustment of the peak of the claims arising out of war-time tax laws. In any event, its jurisdiction may be transferred to a court, and, in fact, the Board of Tax Appeals functions as a court.

By the act of 1855 there was established a Court of Claims to hear and determine suits against the United States arising out of contracts or laws of the United States when the claim did not sound in tort; that is, was not a tort claim. This statute was amended from time to time and in 1887 there was enacted the so-called Tucker Act, which conferred jurisdiction on United States district courts, concurrently with the Court of Claims, to hear and determine claims not in excess of $10,000 against the United States. These cases in the district courts, similar to the cases in the Court of Claims, Court of Customs Appeals, and Board of Tax Appeals, are tried without a jury. In addition to the Tucker Act jurisdiction, district courts of the United States also have jurisdiction over claims against the Government under World War insurance contracts and under the merchant marine act of 1920, together with claims against collectors of internal revenue, which I have just mentioned.

The proposal which I have brought forward in the bill is to create a United States court of administrative justice and to transfer to that court the five judges of the Court of Claims and the five judges of the Court of Customs Appeals. The bill proposes to give this Government court exclusive jurisdiction over all suits against the United States, together with the jurisdiction now exercised by the Supreme Court of the District of Columbia to grant writs of mandamus and bills of injunction against officers and employees of the United States. The bill also transfers to this court all the jurisdiction now possessed by the Court of Claims, the Court of Customs Appeals, the Board of Tax Appeals, and the Supreme Court of the District of Columbia in so far as that court has jurisdiction to coerce officers and employees of the United States through its use of extraordinary writs, as well as all the jurisdiction of the United States district courts in so far as suits against the United States are concerned. The bill proposes to abolish the procedure of suits against collectors of internal revenue, and to adopt in this respect the procedure which was adopted in 1890 in the case of collectors of customs.

The bill also authorizes this court to sit in divisions of three, except in matters of rehearings, when nine must sit. Divisions of the court may hold sessions in any part of the United States when business demands; and I should like to invite attention to this phase of the matter, which will not result in placing all of the litigation with the Government in the hands of lawyers located at the seat of government, but will insure the complaints of their clients being heard by a court devoting its entire time to litigation with the United States, and at sessions held in or near their locality. Such a court should become better trained in the intricate questions of claims against the United States than any court can hope to be which devotes only part of its time to such litigation. This proposed procedure of permitting the court to hold sessions in the various sections of the country is merely an adoption of the procedure now authorized for the Customs Court and the Board of Tax Appeals.

The expense to claimants of litigation with the United States is now so intolerable as to result, in some instances, in injustice. A claimant can not afford to spend from $100 to $500 or more in taking testimony and printing records and briefs when the claim is less than the expense of its enforcement. The great bulk of litigation with the United States does not involve fact questions but legal questions. Where the point involved is one of law neither the Government nor claimants should be required to bear the expense of taking testimony. Where fact questions are involved, there is no reason why the administrative record should not go to the court for what it may be worth, and the court authorize or direct the taking of such additional testimony as it may deem necessary. The bill seeks to save to both claimants and the Government the expense and considerable delay resulting from the taking of testimony where none is needed to reach the disputed question, or where the facts developed by the administrative department are sufficient for the settlement of the controversy.

The transfer to the administrative court of the jurisdiction now exercised by the Supreme Court of the District of Columbia to grant mandamus or injunction against officers or employees of the United States is proposed for a number of reasons. In the first place, the Supreme Court of the District of Columbia is, strictly speaking, in the same class as the circuit or district courts in the various States. In fact, as was pointed out by the Supreme Court of the United States in the early case of Kendall versus Stokes, the District of Columbia courts acquired jurisdiction to issue such writs because the act of Congress creating the District of Columbia courts stated that they should have the same jurisdiction as was then possessed by the Maryland courts; and the Maryland courts, as an inheritance from the English Court of Chancery, had jurisdiction to issue such writs against the executive officers of their jurisdiction. While the District of Columbia courts are for certain purposes district courts of the United States, it is not to be forgotten that they are local courts, and should be concerned solely with local questions. I may add that even United States district courts have never had, and do not now have, jurisdiction to issue mandamus in original proceedings, as does the Supreme Court of the District of Columbia.

In the second place, it is not in keeping with the dignity of the United States to have its Cabinet members and other responsible officers required to answer a writ of mandamus or bill for injunction before a single judge of the Supreme Court of the District of Columbia, and to have to take their turn, with their questions of great importance from the standpoint of administration, between petitions for alimony and divorce cases and the heterogeneous litigation coming before that court. The dignity of the United States demands that its officers and employees be required to answer for their acts before a court composed of at least three judges who are trained in the law relating to the administration of their departments and establishments through the hearing and the determination of claims which arise in said departments.

In the third place, the Supreme Court of the District of Columbia, like many United States district courts, is behind in its docket, and at this session there was passed a bill establishing an additional and seventh judge for said district. The courts of the District of Columbia have enough work to do without attempting to direct, by mandamus and injunction, the administration of the affairs of the Federal Government. No one appreciates more than I do the tendency of some persons appointed to Federal office to lose their perspective, and to become so obsessed with their importance as sometimes to forget the statutes for the conduct of their offices, and that it is necessary to bring them before a court, through a petition for a writ of mandamus or injunction, to secure justice at their hands. However, I would have them brought before a specially trained court, where they may properly present and have con-

sidered their problems of administration, and before a national, not a local, court.

I should say in this connection that the bill proposes no change in the present procedure of the United States district courts to grant writs of habeas corpus to review the decisions of the Department of Labor in immigration cases, nor of the three-judge courts to review orders of the Interstate Commerce Commission and orders of the Secretary of Agriculture under the packers and stockyards act, nor of the circuit courts of appeal to review cease-and-desist orders of the Federal Trade Commission, nor of the district courts to review the matter of permits under the prohibition laws.

At the present time it is customary for officers of the Federal Government brought into the Supreme Court of the District of Columbia to answer petitions for mandamus or injunctions by attorneys of their department or establishment, either nominally or actively assisted by the United States attorney for the District of Columbia. Not infrequently attorneys from such departments and establishments assist in representing the United States in other courts. The bill provides that the head of a department or establishment whose decision or act is brought in question may designate an attorney of his own department or establishment to present the defense on which he relies. This procedure will insure the presentation to the court of the administrative views, and there will be no excuse for failure to follow the decisions of the court in similar cases, or else to report the matter to Congress with recommendation for a change in the law. Not infrequently the failure of the administrative departments or establishments to follow a decision of the lower courts is due to the fact that the administrative view was not presented to the court, and there have been cases where, upon such presentation, the courts have reversed themselves.

In other words, Mr. President, if the decision of the head of a department is involved in litigation the attorney who represented that department on the record before the department does not necessarily under our present procedure have anything to do with the case when it gets into court. A new attorney from the Department of Justice takes the case. He is unfamiliar with the record; and it has often happened that because of that difficulty the record itself has never been considered and the case is decided on some side issue that really was not involved, when, as a matter of fact, the persons best qualified to handle the case and to present, as everybody must admit ought to be presented, the view of the officer whose action is in dispute are not there to present his view or the theory on which he rejected a claim.

The bill adds nothing to nor does it subtract from the substantive law of claims against the United States. It creates no innovations, but it does propose to reorganize and simplify the procedure of securing judicial reviews of administrative acts and decisions. The bill merely provides for the consolidation of certain special courts, the transfer to the consolidated court of the jurisdiction now exercised by those special courts and by the Supreme Court of the District of Columbia, the simplification of procedure, and recognition of the practice, in extraordinary proceedings against officers of the Government, of having them represented in whole or in part by their own subordinates who are especially skilled in the laws in controversy. It proposes to relieve the United States district courts and the Supreme Court of the District of Columbia of jurisdiction of claims against the Federal Government or proceedings against its officers and employees because of some official act, except in the instances hereinbefore named.

I should like to add that the creation of a single court to hear and determine all claims and controversies with the United States is similar to the procedure long since adopted in France in the establishment of the Council of State and in the various subdivisions of the German Republic by the establishment of administrative courts. It is also similar in principle to a bill which has been considered in the last two sessions of the Reichstag for the establishment of a central government court. However, it is not proposed to give the administrative court of the United States the broad jurisdiction exercised by the French Council of State nor by the administrative courts of Germany. As stated, it is not proposed either to add to or to subtract from the substantive law of either suits against the United States or proceedings against its officers at the seat of government, but to consolidate such proceedings in one court sufficiently large to hear and determine the controversies expeditiously. Any necessary modifications of the substantive law may come later as the needs arise.

I referred awhile ago, Mr. President, to the bill transferring some of the jurisdiction from one of these courts to another, now in controversy between the House and the Senate on account of some amendment; and I stated that the conferees had decided to wait until the Supreme Court acted on a case now pending involving the same question.

We found that some of the tribunals and boards and courts dealing with these various questions of which this new court would have jurisdiction are overcrowded, their dockets are full, they have more than they can do, while there are others which are not kept busy. The object of that bill was to transfer some of the jurisdiction from one of these courts to another. It seems in accordance with the best principles of economy and efficiency that we should combine two or combine three or four, put all their jurisdiction in one, so that the entire case, regardless of whether it was a claim in tort or a claim on a contract, should be promptly considered, and should not be sent to some court overcrowded with work, a court which could not hear it, which would thus delay the matter almost indefinitely.

I hope, Mr. President, that the Members of the Senate will examine the bill when it is printed, and I ask particularly that the members of the Judiciary Committee do so. I have the hope that between the adjournment of this session of Congress and the convening of the next the matter may be so thrashed out by those who will take an interest in it that amendments of a constructive nature may be offered to perfect the bill, if defects are found, as they probably will be. The bill is tentative only, and is offered for the purpose of bringing about an intelligent and constructive discussion over the country, particularly among members of the bar, of the questions involved.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield.

Mr. HEFLIN. I have listened with a great deal of interest to the remarks of the Senator from Nebraska. I did not hear all he said, however. I wonder if the Senator would not include in his bill a provision to create a court to try the cases where requests and applications are made for tax refunds, if he would not include a provision for the establishment of a court separate and apart from the Treasury Department, free from the influence of the Secretary of the Treasury or anybody else in the department, to try these cases, where they can be tried in open court, a record can be kept of all the proceedings?

Mr. NORRIS. The Senator did not hear all of what I said. The bill provides for the transfer to this court of all the work of the Board of Tax Appeals, which I think would meet the matter the Senator has suggested.

Mr. HEFLIN. What I had in mind was getting away from the Board of Tax Appeals. I want this court to try the cases originally, make the parties prepare their case and come to this court before any order is made or decree is rendered for a refund of Federal income taxes.

The Senator knows, as I know and as other Senators know, that this matter of tax refunds has attracted a great deal of attention and aroused a great deal of suspicion. There has been constantly refunding and refunding of taxes paid to the Government since the close of the World War, four or five hundred million dollars a year, in old cases, left over from years back of us. There is something wrong about these cases, and as long as these Government clerks can work the cases up and somebody in authority over them can O. K. them, and the Secretary of the Treasury finally pass on them, these favors are constantly being extended, and I think we ought to have a court to try such a case in the outset before any refund can be granted; the case should be adjudicated by a court that will try it in the open where the public can attend. Senators, this is a serious matter. You have refunded over a billion dollars to the big taxpayers in America. Of course, where the case is a meritorious one, where the money should be refunded, I have no objection to that being done; I think it ought to be done; but I think a great deal has been refunded where, if a court had been trying the case, it would not have been refunded. I would like to have the Senator from Nebraska think about that suggestion, and if he can include in his bill a provision that would cover it, I would be glad to have him do so.

Mr. NORRIS. I think the main feature at least is covered, although if it is not, and it is thought desirable that it should be covered in the way the Senator has outlined, I would be very glad, and I know the committee having charge of the matter would be very glad, to have such an amendment suggested.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. I want to say to the Senator from Nebraska, and also to the Senator from Alabama, that in order for this court to have jurisdiction of such cases it would have to be given jurisdiction in the Senator's bill or a similar bill which may be passed; otherwise it would not have jurisdiction

over the claims of which the Senator from Alabama is now speaking.

Mr. NORRIS. This bill abolishes the Board of Tax Appeals and gives to this court all the jurisdiction the Board of Tax Appeals now has. It would not, as it stands now, take away from an administrative officer the right to pass on a claim. In fact, it would be established for the purpose of reviewing the acts of administrative officers in such cases as have been mentioned. That is one of the objects of the bill.

Mr. McKELLAR. The Board of Tax Appeals has no jurisdiction now over the administrative cases the Senator from Alabama has just mentioned.

Mr. GEORGE and Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I first yield to the Senator from Georgia.

Mr. GEORGE. I am very much interested in the statement made by the Senator from Nebraska. I wanted to ask him—and I ask the question because I could not hear all of his remarks—if he had given consideration to the proposal to decentralize the court system and machinery so as to give to the United States district courts original jurisdiction in many matters which he now proposes to confer on a court centrally located here in Washington. For instance, in cases of mandamus, I have always understood that the United States district courts, outside of the district court here in the District of Columbia, which is not a district court in the ordinary sense, had no original jurisdiction. They might, in an ancillary way, make use of that writ, but they could not entertain original proceeding for the writ.

Mr. NORRIS. Practically all cases of mandamus and injunction pertaining to the action of a department or an official of the Government are commenced and tried before the district court in the District of Columbia. As I understand it, that court obtained its jurisdiction in mandamus and injunction cases from the original act setting up that court. It gave to them the same jurisdiction the courts of Maryland had.

Mr. GEORGE. I so understand.

Mr. NORRIS. This bill takes that jurisdiction away from the Supreme Court of the District of Columbia and vests it in this new court.

Mr. GEORGE. I wanted to ask the Senator if he had given due consideration to the proposal to decentralize this power by vesting it in the several United States district courts.

Mr. NORRIS. The bill does not add to the jurisdiction of any United States district court.

Mr. GEORGE. The United States district courts have not original jurisdiction, for instance, in mandamus.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. WALSH of Montana. I think the Senator will find that the United States district courts have jurisdiction. The difficulty arises by reason of the fact that the officers to be mandamused are here in the District of Columbia, and service can not be secured except by proceedings instituted in the Supreme Court of the District of Columbia.

Mr. GEORGE. I have great respect for the Senator's opinion, but I think the Senator on investigation will find that the United States district courts have not original jurisdiction in mandamus cases. They may issue the writ in an ancillary proceeding, in the case of mandamus.

Here is the point: We have reached a time when there are administrative officers of the Government scattered all over the country. They are in every State, they are very numerous, they affect directly and powerfully the interests of the citizens, and I can not see why these administrative officers may not be mandamused in a United States district court in a direct and original proceeding for that purpose. That is the point to which I am directing the Senator's attention, and requesting that he make a study of that question, looking to the decentralizing of the power of the Federal judiciary over the citizens of the country.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. REED of Missouri. I simply wanted to ask this question: Is there any provision in the bill the Senator has introduced for appeals from the decisions of this court?

Mr. NORRIS. Yes.

Mr. REED of Missouri. Where does the appeal run?

Mr. NORRIS. To the Supreme Court of the United States.

Mr. REED of Missouri. Is that an appeal as of right, or is it an appeal which can only be granted by writ of certiorari?

Mr. NORRIS. There are some cases where it would go as a matter of right, and others where it would not. The bill does not change the law in that respect. Under existing law there are some cases where the appeal is as a matter of right, and there are others where it is only on certiorari. There is no change in the law in that respect.

Mr. President, I ask that the bill be printed and referred to the Committee on the Judiciary.

The PRESIDING OFFICER. It is so ordered.

The bill (S. 5154) to establish a United States court of administrative justice and to expedite the hearing and determination of controversies with the United States, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

CONGRESSIONAL REAPPORTIONMENT

Mr. VANDENBERG. Mr. President, I present an amendment intended to be proposed to the pending census bill, being House bill 393. I should like to identify it by saying that it is in the manner and form of the reapportionment measure which was passed in the House of Representatives in 1921, but which failed in the Senate. If reapportionment does not come to us in the usual channel in the near future, I hope to bring this amendment to the attention of the Senate. I ask that the amendment may be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

AMENDMENT TO THE CRUISER BILL

Mr. KING submitted an amendment intended to be proposed by him to the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which was ordered to lie on the table and to be printed.

PROPOSED EVERGLADES NATIONAL PARK, FLA.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 4704) to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park, to be known as the Everglades National Park, in the State of Florida, and for other purposes, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

AMENDMENTS TO AGRICULTURAL DEPARTMENT APPROPRIATION BILL

Mr. FLETCHER submitted two amendments intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 51, line 24, strike out "$130,500" and insert "red spiders and other enemies of Plumosus ferns, $140,500."

On page 52, line 19, strike out "$83,900" and insert the words "including sand flies, $113,900."

COMPILATION OF SENATE ELECTION CASES

Mr. SHORTRIDGE submitted the following resolution (S. Res. 284), which was referred to the Committee on Privileges and Elections:

Resolved, That the Committee on Privileges and Elections hereby is authorized to employ necessary assistants to compile a revised edition of the document entitled "Compilation of Senate Election Cases," from the last revision to and including the Seventieth Congress, at a cost not to exceed $10,000, to be paid out of the contingent fund of the Senate upon vouchers properly approved.

EXPENSES OF INVESTIGATION OF PENNSYLVANIA SENATORIAL ELECTION

Mr. SHORTRIDGE submitted the following resolution (S. Res. 285), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections, authorized by resolution of December 17, 1927, to hear and determine the pending contest between WILLIAM S. VARE and William B. Wilson, involving the right to membership in the United States Senate as a Senator from the State of Pennsylvania, hereby is authorized to expend from the contingent fund of the Senate $20,000 in addition to the amounts heretofore authorized for said purpose.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10093) for the relief of Ferdinand Young, alias James Williams, and it was signed by the Vice President.

MULTILATERAL PEACE TREATY

Mr. BLAINE. Mr. President, I ask unanimous consent that there be printed as a Senate document several articles on the so-called multilateral peace treaty, one by Prof. Edwin Borchard, of Yale University, being an address delivered at the Williamstown Institute of Politics on August 22, 1928; an article by Frank H. Simonds, published in the January, 1929, Forum;

and an article published in the December Harpers for 1928 by Henry Cabot Lodge upon "The Meaning of the Kellogg Treaty."

The VICE PRESIDENT. Without objection, it is so ordered.

GOOD ROADS

Mr. OVERMAN. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered before the joint convention of the United States Good Roads Association and the Bankhead National Highway Association, by Col. T. L. Kirkpatrick, of Charlotte, N. C.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

Mr. President, His Excellency the Governor of Iowa, his honor the mayor of Des Moines, members of the United States Good Roads Association and the Bankhead National Highway Association in convention assembled, ladies and gentlemen, as president of the Bankhead National Highway Association, and as a director of the United States Good Roads Association, the pleasant duty and responsibility has been assigned to me by the members of the executive committee of these two associations and their membership to bring to you greetings and a message based upon the necessity of the United States Congress appropriating sufficient funds to build, construct, and maintain a national system of interstate hard-surfaced highways, interconnecting the capitals of the 48 States of the Union one with the other and with the National Capital, by the most practical and direct routes. Further, the building of two great seaboard highways, one traversing the Atlantic coast and the other the Pacific.

It is a very great pleasure, as well as a distinct privilege and honor, to be the guest of the hospitable and beautiful city of Des Moines, as well as to enjoy the hospitality and cordiality of the great State of Iowa, whose citizenship by its earnest endeavor, enterprise, intellect, and mental acumen has contributed incalculably to the spirit of Americanism the growth and development of the Nation and has wrought for herself and yourselves a position of commanding importance and influence among your sister Commonwealths.

Iowa's niche in the temple of fame stands out boldly unchallenged by the historians. Her contribution in polity, education, agriculture, industry, idealism, and religion, as well as her political leaders and statesmen such as Herbert Hoover, ex-Secretary E. T. Meredith, your distinguished governor, Hon. John Hammill, Senators S. W. BROOKHART and D. F. STECK, places her in the forefront of the galaxy of her sister States of the Union.

The beauty, grace, charm, and virtue of your good women, like the fragrance of the wild rose, your State flower, sheds additional glory and luster upon your Commonwealth and bids a more joyous welcome to your guests. Personally, we of the South feel a peculiar pride and interest in Iowa; in fact, if permitted, claim kinship with you by consanguinity and affinity, in that you were given your being in 1803 through the Louisiana Purchase, and had as your godfather one of the South's greatest noblemen and the Nation's greatest geniuses and political leaders—Thomas Jefferson—and the South contributed some of its best blood to the settlement of this great State.

May I bring to you special greetings to-day from my own mother Commonwealth, North Carolina—one of the foremost good-roads States in the South, if not in the Union, which has expended approximately, including State and Federal aid, $140,000,000 to build 7,365 miles of highways. As you perhaps know, North Carolina was one of the original daughters of the Goddess of Liberty. She has grown up to be the loveliest princess of the South and is the queen State of the Union upon whose fair brow rests the jeweled diadem of the Nation. She pillows her head on her own shadowy mountains, drapes her matchless form in the azure blue of her sun-kissed peaks; the stars pin back the curtains of the blue skies above her; and the angels peep through and smile at her delight as she dabbles her dimpled feet in the bright waters of the Atlantic.

Too, I bring to you an affectionate message of love from the old South, that part of your Nation and mine which has ever been rich in lore and history, jeweled with rhythm and song, sublime in music and poetry, adorned and embellished by the chivalry of brave men and the beauty and grace of fair women. I know that you honor us for the contributions which we have made to the Nation in statesmanship, military genius, science, art, invention, education, and industry. It was ours to bequeath to the Nation the immortal George Washington, Commander in Chief, and the Father of our Country. The Nation drew upon us for its first Chief Justice of the United States Supreme Court, John Rutledge; the author of the National Constitution, James Madison; the author of the National Declaration of Independence, Thomas Jefferson; the author of the national anthem; and the first assertion of the right of trial by jury.

May I assure you that we stand with the taxpayers of Iowa and the citizenship of every other State in the Union and offer you our fullest cooperation and hearty support in every patriotic effort and in the advancement of every principle of government founded upon the Constitution of the United States which makes for the weal of the governed that will enable the citizenship of the United States to achieve the fullest fruition of all its hopes and desires.

We are advocating a national system of interstate hard-surfaced highways, interconnecting the several capitals of the 48 States of the Union with the National Capital, and two great seaboard highways, to the end that our citizenship may have the proper means of communication and transportation and in order that we may more fully develop our agricultural, mining, industrial, and natural resources and further that the products of the farms, mines, and factories of our country may be economically, rapidly, and profitably sold in all the marts of the world. Further, we believe that a national system of interstate hard-surfaced highways will promote the spiritual, moral, and political interest of the Nation incalculably, make of our citizenship a homogeneous, patriotic, and loving people, binding us together with cords of inseparable love and patriotic devotion.

We are advised by the United States Bureau of Public Roads that America is to-day the greatest road builder in the world. It is our judgment that there is a greater need to-day for building a national system of interstate highways than ever before. There are approximately 23,000,000 motor cars traveling over our roads, the major portion of which are yet unpaved. There is invested in the automobile industry, motor car, and accessories a sum which almost equals the railway systems of the United States, to wit, $18,000,000,000.

We are advocating an expenditure by the Federal Government of $50,000,000,000 for a national system of interstate hard-surfaced highways—this amount to be expended in equal annual installments of $2,000,000,000 a year covering a building program of 25 years. We earnestly urge and insist that the taxpayers of Iowa, together with the taxpayers and citizens of the other States of the Union, demand of their Representatives in Congress immediate consideration of such a program, and that necessary legislation be immediately adopted to put it into effect as rapidly as is consistent with economical expenditures.

More than 2,000 years ago the old prophet, Solomon, stated an axiomatic and immortal truth: "Unless there be vision, the people perish." The truthfulness of that statement is as compelling to-day as when uttered by this seer for the guidance of the people of his day and generation. Our fathers in establishing the Constitution of this Government, as early as 1789, having in view the necessity of an economical and rapid distribution and transportation of our resources, and believing that permanent roads were the basis of the then present and future civilization of our country and were the means to the end of promoting national prosperity and happiness, placed in the fundamental law of the land and issued a mandate to the then Members and future Members of Congress to appropriate the necessary funds for the building of post roads. We have had enough talk about the great fundamental principles of government; we have had enough discussion of the tariff question; have debated long enough on international questions—what we need in this hour is a practical application of the rules of government to the needs of the governed.

If the National Government would lay down a broad, comprehensive program of internal improvements and make the necessary appropriations to build, construct, and maintain such a national system of hard-surfaced highways as we have outlined, develop the inland waterways of our Nation, build up and develop our harbors and docks, build a merchant marine, dig the Nicaragua canal, and use the undeveloped resources of the waters of the Mississippi River by developing the 55,000,000 hydroelectric horsepower, changing it from a death-dealing agency to a blessing, and stop the wasteful appropriations and loans to foreign governments and foreign powers, the majority of which is being used to build up big armies and navies for the next war and give us an army, navy, and air fleet big enough to afford adequate military police protection for the lives and property of our Nation the taxpayers would rise up and call it blessed.

We have at our command the necessary wealth to do and perform all things needed for the happiness and welfare of our citizenship, and for the development of this great Nation of ours. The wealth of this Nation, including all values, personal, real, and mixed, is reckoned at approximately $427,000,000,000. We are informed that the approximate income of our citizenship, from all sources, is $100,000,000,000. We have more gold than all the combined powers of the world. We have piled up in the vaults of our banking institutions a gold reserve of over three and one-half billion dollars.

The United States contains 6 per cent of the world's population, 6 per cent of the world's land area, and more than one-third of the world's accumulated wealth. The United States is producing one-half of the world's coal and coke, one-half of its iron and steel, 70 per cent of the world's petroleum, three-fourths of the world's sulphur, 85 per cent of the world's naval store, the bulk of the world's phosphate, 60 per cent of the world's supply of cotton, 50 per cent of the grain and livestock, one-half of the standing timber, 50 per cent of the minerals. It possesses 45 per cent of the world's gold supply and 40 per cent of the world's railroad mileage and 45 per cent of the world's developed hydroelectric horsepower.

Notwithstanding this tremendous aggregation of wealth, and moral and physical power, we are informed through the Manufacturers' Record, the National Bureau of Highway, and other reliable sources, that the "mud tax" costs the taxpayers of the Federal Government of the United States approximately $1,630,000,000 annually. By the "mud

tax" we mean the unnecessary wear, tear, and depreciation of motor vehicles of all kinds, wagons and horse-drawn vehicles, and any other conveyances using the highways for transportation purposes; the wear, tear, and depreciation of horse and mule vehicles, and the useless and unnecessary waste and consumption of gasolines and oils. By developing a national system of interstate hard-surfaced highways, the major portion of this waste, economic and financial loss could be saved to the taxpayers, not calculating the time that would be saved in transportation, and the profits that would accrue to the industrial, manufacturing, and agricultural interests through an economical and rapid transportation for the peoples of the Nation through such a national system of interstate highways.

If the appraised mud tax of the Nation is approximately correct, and it could be saved to the taxpayers of the Federal Government, this tax in 25 years, figuring the interest at 5 per cent, would more than supply the $50,000,000,000 for the building of a national highway system.

The Appian Way, built by the Cæsars, unified the Roman Government, extended its commerce, developed culture, art, and refinement, created adequate military defense, and continued the life of the government for centuries. The magnificent roads constructed by Napoleon cemented the Provinces of France, created a strong government, out of which grew the Republic, gave employment to the unemployed, built up its agricultural, industrial, and commercial interests, and in 1918 enabled the allied forces to save civilization and to achieve a glorious victory instead of suffering an ignominious defeat.

The expenditure of $2,000,000,000 a year on a national highway program by the Federal Government would furnish a tremendous amount of employment. This additional amount of capital in circulation annually would afford the farmer a vast market for his by-products, such as stone, gravel, and sand, and give him an increased income in the hiring and employing of his wagons, teams, and trucks. Further, it would give to the merchant an opportunity to increase his sales of merchandise.

If the Nation should definitely determine upon the building of a national system of highways and would spend $50,000,000,000 in 25 annual installments, let the money be allocated to the several States of the Union, upon a basis of area, through mileage and population; this effort on the part of the National Government would create confidence, stimulate the arteries of trade, energize commerce, enhance agricultural values and farm-land values, and encourage the profitable investment of private capital, and further serve as an inducement to States and counties in building communal and lateral roads.

Figuring the average cost of hard-surfaced highways at $33,200 per mile, $50,000,000,000 would build 1,506,024 miles of hard-surfaced roads, and this mileage added to the hard-surfaced roads already constructed by the States with the aid of Federal funds heretofore appropriated would give us a national system of approximately 1,706,024 miles of hard-surfaced highways, which would practically provide for the proposed national system of interstate highways.

The highways logically divide themselves into three groups, viz: National interstate highways, intrastate highways, and lateral or communal highways. The national highway system should be built largely by national funds and maintained by national funds; the State highways by the State, and the county highways by the local taxpayers. If the Federal Government finds it has not the $2,000,000,000 annually to appropriate for the next 25 years from the Treasury, it would pay to levy a small national gasoline and license tax, or have other appropriations heretofore made diverted to and used for national road building, but at all cost the national interstate highway system ought to be built now.

The natural reasons suggest themselves for the building of such a system of highways:

First. It would unite the citizenship of the United States in aspiration, social and economic thought, making us a homogeneous people as no other agency.

Second. Our steam and electric railroads and inland waterways are not sufficient or adequate to properly provide cheap transportation and economical and rapid distribution of the resources of our people and ought to be immediately supplemented by a national system of interstate hard-surfaced highways.

Third. Millions of dollars in economic waste is suffered annually by the taxpayers on account of "mud roads" in the depreciation of motor vehicles, loss of time, and inadequate marketing facilities.

Fourth. As a matter of national defense in time of threatened invasion, a complete system of national interstate hard-surfaced highways is absolutely imperative for the transportation of troops and supplies from coast to coast. The United States has approximatetly 3,000 miles of coastal line, 3,000,000 square miles of territory, 117,000,000 people, and $427,000,000,000 of wealth to protect. We should be adequately prepared on a moment's notice to render police protection.

Fifth. Good roads, and by that we mean hard-surfaced highways, are not only the basis of material prosperity, but will contribute to the moral, social, and spiritual life of the citizenship of the Nation as no other factor. By these means the citizens of the several States comes to know each other personally, the rural churches and the rural schoolhouses, and the rural mail system are all greatly benefited; greater inducements and encouragement are given to the rural population, especially the boys and girls, to remain on the farms, to grow and develop spiritually, socially, and materially in the life of the Nation.

Sixth. Modern highways lead upward to higher possibilities of national life. Bad highways form the other road downward to ruin. If James J. Hill and E. H. Harriman had not had the vision and launched the great transcontinental railway system, which we have to-day interlocking and interconnecting the great West with the great North, East, and South America to-day would not be the potential world factor that she is. What the railroads of Hill and Harriman have done for the great West, a complete system of communal, lateral, and national interstate highways, modernly built, constructed, and maintained will do for the entire Nation.

Seventh. Men who are working for the building of highways are working for the advancement of God and humanity, are laboring to broaden the foundation of equal opportunity for all. Highway building, therefore, is a high mission, and the builder, advocator, and promoter of highways is a missionary of the doctrine of human betterment. "He prayeth best who serveth best."

Saint and sinner alike agree that the judgment pronounced by the Master against the barren fig tree was but a just sentence. The question for the people of the United States is not whether we have iron, gold, coal, silver, copper, oil, phosphate, sulphur, mineral resources of all kinds, unexcelled climatic conditions, besides unlimited undeveloped electrical horsepower; the question is not whether our soil will produce all kinds of grain, fruits, and tobacco, to say nothing of our fishing and mining industries and water transportation facilities—these questions were settled by the great God in the long ago when He made the world; on the other hand, the question for us is whether or not we have the vision, the spiritual and moral courage, and intellectual power and dynamic energy to realize 100 per cent on these God-given inheritances.

Every patriotic American citizen must recognize himself or herself as trustee of all these tremendous natural resources, and use these unlimited resources to promote the welfare, peace, and prosperity of our present day and generation, and transmit to unborn posterity the blessings which we have received from our sires and mothers, thereby weaving threads of sunshine and happiness in the pathway of our fellow men, and add to the sum total of the glory of God and human happiness. The Nation, as well as the individual, must recognize that it holds this wealth as a trustee for the furtherance and advancement of its citizenship and humanity.

I appeal to the membership of this convention, I appeal to the citizenship of Iowa, and through you to the citizenship and taxpayers of this great United States of America to demand a national system of modern highways, in order that we may exert the greatest influence in shaping the destiny for the good of unnumbered millions and in molding the spiritual, the educational, and material life of the Nation. And in the language of the old Scottish bard:

"Burst be the ear that fails to hear,
And palsied be the feet that shuns to speed,
At the Clarion Call of his Country's need!"

THE HISTORY OF INLAND WATER TRANSPORTATION

Mr. SHEPPARD. Mr. President, I present for publication in the RECORD an address by F. H. Farwell, of Orange, Tex., on The History of Inland Water Transportation, delivered at the Intracoastal Canal Convention held at Baton Rouge, La., on November 9–10, 1928.

The VICE PRESIDENT. Without objection, the address will be printed in the RECORD.

The address is as follows:

The history of artificial waterways nearly tells the story of civilization from the beginning of time down to the present day.

Strange to say, however, information regarding inland water transportation is fragmentary, for early records are dim on specific movements, due to the fact that mainly these canals or ditches were for irrigating purposes.

The Bible tells us when famine stalked in God's chosen land knowledge of plenty in Egypt came to Abram, and we find that he and his entire family joined a caravan bound for that country, there to remain until next crop season in his own home land. As he neared ancient Egypt he saw civilization at its best. The universities, theaters, works of art, and the pyramids among the most conspicuous, but with his mind on sustenance who can say but what his greatest astonishment occurred as he beheld the Nile with its lateral canals built as an insurance against crop failure.

The evolution of the drainage ditch into a barge or boat canal as a means of transportation of food products to large centers simply followed as a natural consequence, and only adds an advanced chapter to the interesting story.

We are told that even the use of artificial waterways, which certainly must have followed that of natural streams by many centuries, goes back to 3500 B. C. or perhaps earlier. The first of these waterways, to be sure, were for irrigation, drainage, and flood control, and not for navigation. Tradition states, however, that the Suez Canal was excavated prior to 2000 B. C., and we have more than tradition

to show that it was open for the navigation of small vessels by 600 B. C. (Whitford's History of New York Canals.)

The Royal Canal of Babylon was open long before the time of Christ. A number of canals were built under the Roman Empire. The Imperial Canal of China, said to be a thousand miles long, was completed in 1289 A. D.

All of these canals long antedated the canal lock. This did not, however, preclude water transportation between different levels, because we are told that the early canals of Egypt and China had a form of inclined plane for transferring boats to successive levels. (Whitford.)

Strange to say, the idea of canal locks, which revolutionized transportation and made possible the use of inland waterways, was seemingly lost in antiquity. No one knows its origin or whom to credit with the invention. An authority tells us "to us living in an age of steam engines and daguerreotypes it might appear strange that an invention so simple in itself as the canal lock should have escaped the acuteness of Egypt, Greece, and Rome." (Quarterly Review No. CXLVI, p. 281.)

James Brinkley, a celebrated English engineer, in 1754 was commissioned by the Duke of Bridgewater to find a way to transport his coal from the estate to Manchester. The difficulties were great, but in the end he accomplished the feat, even to the extent of carrying the water 39 feet above the River Irwell. The success of this canal, both from an engineering and economical point of view, centered thought and action on canals as the practical means of transportation. (Enc. Britannica.)

It remained, however, for Thomas Telford, a Scotch engineer, to pioneer the idea of inland water transportation along practical barge lines. In 1793 he developed the Ellesmere Canal to a state of practicability that led to his service as consulting engineer both at home and in Sweden. (Inland Navigation, Edinburg, Enc.)

The evolution of the canal lock which, as indicated, has revolutionized the operation of canals and commercialized rivers, was developed so gradually that it is a question of whether Italy or Holland should be credited with the distinction of its first real use. It is definitely known, however, that during the latter part of the fifteenth century locks were actually used in both countries.

The introduction of these locks resulted in the rapid development of canal building in England, France, and other European countries, and this combination of natural and artificial waterways resulted in such a well-established system of transportation that in those countries the coming of the railroad had no material effect such as we experienced in this country. In Europe the inland waterway is a prime factor to-day in transportation.

Our Pilgrim Fathers had ample reason to realize the value of an intracoastal canal before they ever landed on Plymouth Rock. Had such a canal been available perhaps they would not have landed there, and perhaps the entire history of New England or, in fact, of all of our colonies would have been quite different. We are told that they were heading for some point south of what is now New York, but that, lacking either sufficient control of their ships to hold to a precise course, or instruments of precision to show their exact location, they missed in their aim and first encountered land on the exposed side of Cape Cod. Hardly knowing whether to go north or south, they started south, but encountered such terrifying shoals at the elbow of the cape that they turned around and followed the shore line to its end, whence they crossed the bay to what became Plymouth. Had they been able to use a safe intracoastal canal they would doubtless have continued to a warmer climate and more fertile soil, and Texas might have become New England.

Knowing of the dense forests and impassable roads in our own early history, which forced us to depend almost exclusively on waterways as a means of transportation, and observing transportation by boats and rafts at the present time by even the most primitive of races, we can assume that inland waterway transportation has been an important factor in the lives of human beings since the very beginning.

Early settlement in the colonies as a matter of course was along protected harbors and navigable waterways, and it may be noted that in the absence of any other means of transportation, waterways that could hardly be regarded as navigable were utilized to the utmost. For example, trading posts were established in the earliest colonial days on the small tidal rivers at the base of Cape Code, and a brisk trade was developed between the Puritans and the Dutch through this use of protected inland waters, necessitating, however, a carry across the neck of the cape.

It was not long, however, before the possibility was seen of elimination of this carry by the beginning of the intracoastal canal system. (Meyer's History of Transportation in the United States Before 1860.) As early as 1676 Samuel Sewell in his diary mentions the possibility of a passage "from the south sea to the north," and in 1697 the general court of Massachusetts adopted a resolution calling for a study and report on the possibilities of such a canal. The records do not show that such a report was made. A canal was opened in 1757 connecting two parts of Buzzards Bay, but this was not for the passage of boats but for the passage of herring. In 1776, however, the general court of Massachusetts passed another resolution calling for a study and report on the feasibility of such a canal, and a survey was started, only to be deferred when the engineer was called into war service.

The idea of a navigable canal to relieve shipping of the perils around Cape Cod was attaining strength, however, and in 1808 the Secretary of the Treasury, Albert Gallatin, included in a comprehensive report on waterways a recommendation for a canal to eliminate this difficulty. He believed the obstacles to such a canal across Cape Cod were so great that his recommendation was that the canal be built from Boston to Narragansett Bay. A company to build the Boston canal was incorporated in 1818, but the canal was never built. (Meyer.)

By 1824 interest had been revived in a canal across the cape. A survey was made and the project was favorably reported upon, but, strange to say, it was nearly another century, or 240 years after Samuel Sewell recorded sentiment in favor of it, and this sentiment resulted in actual construction. It was finally built and completed with private capital as a ship canal in 1916.

During its first year of operation it carried 3,019,883 tons. During the war it was taken over by the Railroad Administration. It was subsequently turned back to its owners, but it has been apparent that in order to attain its maximum usefulness it should be acquired and improved by the Federal Government, and after prolonged discussion, negotiation, and litigation its purchase was authorized by Congress last year. When the channel is widened to permit two-way traffic of large vessels and regulatory works are constructed to check the strong tidal currents, this canal can be expected to come into its own.

While the early efforts were going on to build a canal across Cape Cod others were being made to connect Chesapeake and Delaware Bays. The advantages of such a canal were mentioned in 1679–80 in Danker and Sluyter's Journal of a Tour in Maryland. A committee was appointed in 1769 to report on the project, but its recommendations involved such expense that the matter was dropped until 1784, and from that time until 1824 the efforts to get the canal built were futile, although surveys were made and companies were incorporated. In 1824, however, the canal was actually begun, and it was completed in 1829, with a navigable depth of 9 feet and with locks. (Meyer.)

This canal was also built and operated as a private undertaking, although the United States contributed 20 per cent of the construction cost and the States of Pennsylvania, Delaware, and Maryland made substantial contributions, inspired to do so by the threatened competition of the Erie Canal. Each decade from its opening showed a substantial increase in tonnage until 1870, when 1,245,928 tons of lumber, coal, flour, and other commodities were handled.

About this time the tonnage began to decline, and about the same time efforts were launched to have the waterway taken over by the Federal Government and converted into a ship canal. There followed the usual extended period of commissions, surveys, and reports, but apparently, in 1894, the Chief of Engineers reported favorably on the project for the first time. It was 12 years later (1906) that Congress authorized the appointment of a special commission to appraise the canal and 13 more years (1919) before Congress authorized its purchase and enlargement. The present project calls for a 12-foot sea-level canal, and the Chief of Engineers reported the work 96 per cent completed last year.

There is one other early forerunner of the intracoastal canal—namely, the Delaware and Raritan Canal across New Jersey. A company was chartered in 1804 to build this waterway, but various obstacles delayed the project so that it was not completed until 1838. The surveys of the New Jersey Ship Canal Commission in recent years have shown that the route of this canal, which is of 7-foot depth, is not the most desirable one for the intracoastal waterway, so that it is of historical interest mainly as showing early recognition of the need for such a canal.

The intracoastal waterway south of Cheaspeake Bay has little history. There were fragmentary congressional authorizations as far back as 1828, 1836, and 1844, but nothing comprehensive except in the last 20 years. As you know, it was only in 1925 that we obtained consolidated projects for the Louisiana and Texas Intracoastal Waterway, and only last year that a 9-foot channel was authorized. Several of the authorized projects east of the Mississippi are for less than 9 feet, and several important links have not yet been authorized.

While and before the early intracoastal projects were being carried out, our colonists were, of course, using the natural waterways as virtually their only means of communication with the interior. Even this necessitated difficult carries over the Appalachian barrier, whether the route was up the west branch of the Susquehanna and across the mountains to the Allegheny, up the Potomac and over to the Youghiogheny; or up the James River and over to the Greenbrier and Kanawha. The rivers themselves were full of obstacles to transportation, but these had been overcome as far as possible by the development of boats of very shallow draft. Interstate Commerce Commissioner Meyer in his Transportation in the United States Before 1860, tells us that, following, of course, the canoe, "the first boats which were used for navigating the Ohio were the flat boats, arks, keel boats, and barges. The early boats rarely used sails and received only occasional aid from their oars and depended almost wholly upon the current of the stream to carry them to their destination. It usually took a month to go from

Pittsburgh to New Orleans, but the return trip, when there was one, often occupied four months."

Various expedients were used to get these early boats upstream. Oars were ineffective against the current. One method used was manpower, the said men walking along the river bank and pulling the boat with ropes. Often there was nothing available as a tow path, in which case the boat was advanced by warping it with ropes coiled around trees. Poling was another method where the bed of the stream was firm enough to permit. Crude as these methods were, they continued in use until and considerably after the introduction of the steamboat.

The flatboats and the arks were used only to descend the streams. When they reached their destination they were used either to construct buildings of one kind or another for the new settlers who had traveled on them or were sold to other settlers for a similar purpose.

Commissioner Meyer further tells us that from February to June and from October to December were the best seasons for the navigation of the Ohio, although in the former season floating ice made the trip dangerous. Head winds were a frequent source of trouble. The river was so crooked that a favorable wind might within an hour become an unfavorable one, and in combination with strong currents be likely to drive the boat ashore.

The first steamboat descended the Ohio River from Pittsburgh to New Orleans in 1811. This was some five years after "Fulton's folly" had ventured upon the Hudson. Even though Fulton's boat and others on different deep waters had proved successful, there was apparently not much optimism regarding the utility of steam on the Ohio and the Mississippi, with their currents, snags, islands, and rocks. (Meyer.)

When the first voyage was made the skeptics at the river bank admitted that the boat was doing as well as a raft would do in floating downstream, but were certain that it could not go upstream. At Louisville it was necessary to wait a month for high enough water to float over the falls, but Captain Roosevelt made good use of this month in turning back and steaming up the river to Cincinnati to prove that it could be done.

This did not immediately solve the problem of navigating these rivers. Much experimenting was required before a steamboat of the shallow draft and capable of meeting the hazards of river transportation was developed. Another obstacle was the success which Livingstone and Fulton had for several years, until the Supreme Court ruled otherwise, in exercising a monopoly in the use of steamboats on inland waters. In the course of time, however, aided by the construction of a canal around the falls at Louisville, the cost of freight transportation from Pittsburgh to New Orleans, $6.75 per hundred pounds in 1800, was cut more than 50 per cent. (Meyer.)

Although the Livingstone-Fulton monopoly was not overthrown by the Supreme Court until 1824, it had become partly inoperative on the Ohio and Mississippi, and in 1819 there were 60 steamboats plying between New Orleans and Louisville, not at that time reaching Cincinnati and Pittsburgh because they had no way of getting around the falls. The building of steamboats was begun at both of these points about that time, however. A table presented by Meyer shows that the number so built on the Ohio increased from 3 in 1816 and 7 in 1817 to 25 in 1818 and 34 in 1819. There was then an apparent lull for a period of five or six years, but 56 were built in 1826. The early losses by fire and sinking were very heavy, and previous to 1826, 41 per cent of all of the steamboats constructed had been lost or destroyed, 28 per cent of these losses being due to obstructions to navigation.

Even after the appearance of the steamboat the number of flat and keel boats and barges steadily increased. They could carry heavier loads than the first steamboats, there were more experienced operators available, and though slow moving they had a wider range of activity. (Dixon's Traffic History of the Mississippi River System.) These flat boats reached a maximum size of 150 by 24 feet with a capacity of 300 tons. As late as 1840 nearly one-fifth of the freight handled on the lower Mississippi moved by flat boat, keel, or barge. Steam towing of flat boats was tried as early as 1829, but was not successful.

It is estimated that in the decade 1820–1830, 3,000 flat boats annually descended the Ohio. Dixon gives a table showing 2,763 arrivals of flat boats at New Orleans in 1845–46, dwindling down gradually to 1,047 in 1852–53, and 541 in 1856–57. Meanwhile the arrival of steamboats at New Orleans, 21 in number in 1814, increased to 198 in 1820, 989 in 1830, 1,573 in 1840, 2,784 in 1850, and 3,566 in 1860.

During this early period the trade of the lower Mississippi originated largely in the Ohio basin where settlement was most advanced. (Dixon.) Improvement work was begun on the open channel of the Ohio as early as 1827, although we are told that little of value was accomplished before 1860. The Allegheny was given up entirely to flats and rafts and was not navigable for even the lightest draft steamboats except during high water. The Monongahela was in about the same condition, but a private corporation built two locks in that river about 1840, and about that time the movement of coal was begun which has given the Monongahela the heaviest traffic of any river in the United States other than those navigable for and used by ocean-going vessels.

The coal movement on the Monongahela as late as 1850 was handled by barges carrying from 12,000 to 15,000 bushels of coal each. They were floated down the river to destination and there sold for lumber. Because of their heavy loaded draft they could be floated safely only during high water, of which there were usually two stages annually, and during these seasons from 250 to 300 barges started the trip. Many of them were wrecked by snags and rocks. Soon after 1850 the towing of coal flats by steam towboats was begun.

A steamboat is asserted to have ascended the upper Mississippi to a point near St. Paul in 1813. The arrivals were few and far between, however, before 1840, and even as recently as 1846 only 24 reached that point. (Dixon.) This number increased to 104 in 1850 and 1,026 in 1857. During the fifties the upper Mississippi territory was developing rapidly and the demand for transportation so far exceeded the supply that almost any price was paid for it, and boats often paid for themselves in two years if they survived the great hazards of snagging and burning. These boats were largely stern wheelers of 200 to 300 tons, able to proceed during periods of drought.

The flour industry was developing, and they handled numerous other commodities. By far the most important product of this area, however, was lumber, and this was handled almost entirely in rafts or barges propelled by steamboats. St. Louis was developing as an important river center, and Dixon indicates about the same number of arrivals of steamboats annually in New Orleans and St. Louis during the period from 1840 to 1860.

Dixon tells us that the average rates of speed on the Mississippi and Ohio in 1840 were about 6 miles per hour upstream and 10 to 12 downstream. It is estimated that from 1810 to 1850, 1,070 steamboats were lost, involving a cost of $7,000,000 and many lives. While many of these accidents were due to uncontrollable conditions of navigation, more were due to reckless operation. Racing for speed records resulted in frequent collisions and boiler explosions.

We mentioned earlier the Appalachian barrier which necessitated carrying commodities from the headwaters of the Atlantic rivers to the tributaries of the Ohio system. The Great Lakes were naturally being utilized as a means of access to the West while this development of traffic on the Ohio and Mississippi was going on, and the Erie Canal was conceived early in the nineteenth century as a means of overcoming this barrier. The physical geography greatly favored this project, as the Mohawk Valley offered a route with no very high climb. Meyer points out, however, that there were very serious handicaps in the scarcity of engineers, contractors, and excavating machinery, the unbroken forests and miasmal marshes the route must follow, and the sectional jealousy between eastern and western New York. These were all ultimately overcome, however, and the canal, begun in 1818, was opened for traffic in 1825. The effect of this monumental work soon became apparent, and it is widely admitted that the Erie Canal played a very large part in giving New York the start over the other Atlantic ports which has made it the metropolis of the Western Hemisphere.

The earliest year for which we have the tonnage figures for the Erie Canal is 1837, in which year 667,151 tons were moved. This tonnage increased to 945,944 in 1844, 1,635,089 in 1850, 2,253,533 in 1860, and 4,608,651 in 1880, the peak year for the Erie Canal. As recently as 1865 the tonnage on the Erie Canal exceeded that of the Erie Railroad, while the New York Central did not overtake the Canal until 1870.

Other canals were built across the mountains and watersheds, and some of them performed very important rôles until, handicapped by shallow draft, small vessel capacity, and the necessity for towpaths and mule power, they were superseded by the railroads. The Erie Canal alone, enlarged some 20 years ago to carry power boats and barges of economic size, has remained an important factor in transcontinental transportation.

This story would be incomplete without some inclusion of those greatest of inland waterways—the Great Lakes. Trading posts were established at various points on the lakes in the seventeenth century (Meyer), and the *Griffin*, built near Buffalo, made the first voyage of the upper lakes, only to be lost on the return voyage. The English began boat building at about the same point in 1759, and also on Lake Ontario. The first American-built vessel was launched in 1797 near Erie, Pa. The first steamboat to navigate the Lakes was built in 1817 at the head of the St. Lawrence.

The following year the *Walk-in-the-Water* was launched in the Niagara River above the falls. Her machinery was hauled in wagons from Albany, and oxen were used to tow her up the river to Lake Erie against the strong current. She made regular trips to and from Detroit, a round trip taking 9 or 10 days.

Grain began to move East in 1836, and by 1840 Meyer tells us there was a regular movement, carried by a few sailing vessels of about 125 tons each and a half-dozen sidewheel steamers.

Copper was discovered in the Lake Superior region in 1843–44, but vessels on the lower Lakes could not reach Lake Superior on account of the falls and rapids in St. Marys River. This situation was not remedied until 1882, when the first Soo Canal was authorized.

There is not time to describe the remarkable growth of traffic on the Great Lakes, particularly in the movement of grain and iron ore east and coal west. Aided by vessels and terminals designed especially for this traffic, transportation on the Great Lakes has become probably the cheapest in the world (about a twentieth of that of rail transportation), and its effect on the grain trade and the coal and steel industries is incalculable.

The early development of railroads, which were destined to have such a far-reaching effect on inland waterway transportation, seems to have proceeded on the assumption that the railroads could not compete with the waterways but should be supplemental to them, reaching where the waterways could not go. Consequently, although fragmentary railroads across New York State, competing it is true with the Erie Canal, had been constructed before 1840, nobody had the temerity to undertake a line alongside the Hudson River until 1846, while a necessary section of what is now the main line of the Pennsylvania Railroad was built originally as a means of hauling canal boats over the Alleghany Mountains. Dixon points out that the earliest railroads in the Middle West were largely short lines connecting with the waterways. He also notes that the railroads first specialized in passenger transportation and were not properly equipped to handle freight. For example, the Baltimore & Ohio in 1831 carried 81,905 passengers and only 593 tons of freight. As the era of railroad building proceeded, however, it became apparent that the railroad had two important advantages in speed and ability to go where the steamboat could not go. It also became apparent that the least expensive rail routes were usually alongside the waterways, and by 1860 there were rail lines in all directions in Ohio. Farther west and south there was less development.

The competition of the northern railroads began to be felt at New Orleans even before the Civil War. Nevertheless we are told by the Inland Waterways Commission that steamboat transportation on the lower Mississippi from the fifties to the early eighties was the chief agency upon which the people of the Mississippi Valley depended for the carriage of both freight and passengers. Through boats ran from Cincinnati, Louisville, and St. Louis to New Orleans. An interesting note is that in those pre-Volstead days the bar privilege on one boat for its lifetime sold for a sum that built the hull of the boat.

Up to the time of the preliminary report of the Inland Waterways Commission, in 1908, the only material change in the type of boats from the early days was the change from wooden to steel hulls, and this was by no means general. Some of the boats were finely equipped, however. Probably the most famous line was the Anchor Line, which owned as many as 19 fine steamboats. Competition cut into its passenger business, and it sold out and virtiually discontinued operations in 1895.

Authentic figures are not available to show what in tonnage or value has been the loss of traffic on the Ohio-Mississippi system. We know, certainly, that the river steamboat has not been the vital factor during the last 50 years that it was previously, whereas our coastwise and Great Lakes traffic has steadily increased with and contributed greatly to the prosperity of the country.

It is not necessary to go into the question of whether this decline of river commerce since 1880 has been brought about mainly by natural causes, or whether it has been materially hastened by unfair competition and cutting of rates by the railroads. We know, certainly, that the existence of the waterways remains as of lasting benefit to the communities having access to them in keeping rail rates down below the general level for interior points. We recognize now that the spectacular river steamboat of the nineteenth century was costly to operate, and we have awakened to the need for modern, economic equipment. We have come to realize that the railroads, because they go everywhere, are the framework of the transportation system, and that waterway transportation, to be successful, must be coordinated with the railroads. This means through routes and rates and adequate facilities for interchange between freight car and barge. We have learned that the advantages of cheap water transportation can be wiped out if we do not have proper terminal facilities, accessible by rail and by truck to the communities they serve.

And what all this time of the waterways themselves? Mark Twain, in his Life on the Mississippi, has given us a vivid picture of the perils of steamboating in his day. The Chief of Engineers in his annual report describes the Ohio River as originally "much obstructed throughout its entire length by snags, rocks, and gravel and sand bars," with an exceedingly variable width of channel and low-water depths over shoals as low as 1 foot. On the Mississippi above the Missouri there were 185 bars with low-water depths of 3 feet or less, while the Rock Island Rapids, 14 miles long, and the Des Moines Rapids, 12 miles long, were absolutely unnavigable in low water. Between the Missouri and the Ohio the waterway "was divided by numerous islands and bars, which distributed large portions of the flow through chutes, sloughs, and secondary channels to the detriment of navigation." At many of these locations the river was a mile wide or more and the maximum usable low-water channel only 3½ or 4 feet. Below the Missouri "low-water navigation was rendered difficult and hazardous by the formation of bars across the channel, sometimes limiting the controlling depths to 4½ feet."

The canal around the falls at Louisville, which was perhaps the first effort to alleviate conditions, was a private enterprise, but the Government early undertook to make the rivers more serviceable. Open-channel work was begun on the Ohio in 1827, and the first of the 52 locks and dams of the present project was authorized in 1879. On the upper Mississippi the Rock Island and Des Moines were by-passed prior to the first general improvement authorization of 1878. Between the Missouri and the Ohio, the first authorization was in 1872; below the Ohio, in 1880.

Space will not permit going into this improvement work in any detail—the necessary linking up of improvement for navigation with flood control, the creation of the Mississippi River Commission. The magnitude of the work; the amount of energy, time, labor, and expense required to maintain the works already constructed and repair the havoc done by floods; and, at least until recent years, the absence of a definite schedule of priorities for all of the waterway and harbor projects on the Federal program, have delayed the completion of these improvements. We have never to this day had a chance to make full use of these great avenues.

Thinking in terms of transportation is the business and pleasure of every American be he buyer or seller, for when all is said and done economy in competitive cost has much to do with the economical and social life of the people in general.

Such must have been in the mind of our very able president, Mr. C. S. E. Holland, for in 1904 he dreamed of cheaper commodities to the consumer, as well as better prices for the producer, and to that end thought in terms of water transportation, the result of which is his dream is coming true.

In 1905 a few invited friends gathered at his home in Victoria, Tex., and organized the Intrastate Inland Waterway League of Louisiana and Texas.

The purpose of the association was "to bring about the construction of an inland waterway from the Mississippi to the Rio Grande," a rather courageous undertaking, to say the least.

The personal and financial support of the idea rapidly broadened and the scope of the field became so large that the association changed its name to the Intracoastal Canal Association of Louisiana and Texas, in order to conform with the Government's official designation of the project.

Realizing that the 5-foot canal was only a beginning, it remained for the Houma, La., annual convention in 1922 to adopt a definite program with the view of bringing about the construction of the canal in its entirety on the basis of a 9-foot depth and 100-foot bottom.

At the next session of Congress following our Houma convention, a resolution was introduced and passed by Congress on March 3, 1923, authorizing a survey of Louisiana and Texas intracoastal waterway from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex. The survey authorized by this resolution was made by Col. G. M. Hoffman, then United States Division Engineer at New Orleans, and his recommendation, approved by the board of engineers and the Chief of Engineers, was submitted to Congress on April 12, 1924. This report recommended the construction of the canal on the basis of a 9-foot depth and 100-foot bottom width as provided in the survey resolution, at an estimated cost of $16,000,000.

Following exhaustive hearings before the Rivers and Harbors Committee, the recommendation was adopted and placed in the river and harbor bill. Subsequently, in response to the demand of President Coolidge that the total authorizations in the bill amounting to approximately $53,000,000 should be reduced to approximately $40,000,000, the item covering our project was amended to provide for construction as far as Galveston Bay with a limitation of $9,000,000 on the cost. The language of the bill read, "Louisiana and Texas Intracoastal Waterway from the Mississippi River at or near New Orleans to Galveston Bay, Tex."

This, of course, had the apparent effect of authorizing the construction of both routes leaving the Mississippi, namely, the Harvey route from New Orleans to Morgan City, and the Plaquemine route from Plaquemine to Morgan City. However, inasmuch as the $9,000,000 was not sufficient to provide for the construction of the Harvey route, an agreement was reached that the expenditure of the $9,000,000 would be limited to the construction of the Plaquemine route via Morgan City to Galveston Bay.

In the river and harbor act approved January 21, 1928, the authorization of the original recommendation of the engineers was completed. This, of course, included the authorization of the Harvey route at an estimated cost of $4,610,000 and the section from Galveston to Corpus Christi at an estimated cost of approximately $3,000,000.

Here we leave the subject of details regarding our own activity as the present convention will take up the task of making history from this date on.

We are confident that a revival of inland waterway transportation is at hand. The World War showed us the need for all of the transportation obtainable, and the Railroad Administration took over the

Mississippi system as well as the railroads. The Government has continued to operate the barge line, and in doing so is seeking to clear up the mistakes of the past. Not the least important of its accomplishments is the development of suitable and economical equipment—oil-burning towboats and large-capacity steel barges. Our future river transportation will be carried on with less smoke but more efficiency.

At the same time the railroads are coming to see, as many of them have already come to see with respect to motor-vehicle transportation, that they can profitably yield to the advantages of certain waterway routes for certain commodities moved on a contract or private carrier basis. Looking back over the accomplishment of inland waterway transportation we must note the changing attitude of the railroads toward the spreading out of the common-carrier rate structure.

A notable example of this is the double transportation on the Ohio River in the past few years, which, to a marked degree, is an anticipation rather than a realization of the completion of the Ohio River project. Yet the industries in the upper river sections, notably Pittsburgh, are becoming more and more conscious of the economies through the use of waterways, and we may look soon for a steady current of steel products and other commodities for points in the lower Mississippi and along the route of the Intracoastal Canal in Louisiana and Texas.

It has occurred to us that nearly all of the discussion with reference to the canal has been devoted to its downstream use. No one would care to detract from the great volume of such a movement, but let us not forget that our canal traversing the Gulf coast country serves the people who are next-door neighbors to Mexico and all the remaining Latin-American countries and that they have commodities to sell. It seems to us, therefore, that while we are thinking in terms of usefulness, some time should be devoted to the inbound cargo situation not only for local consumption along the route but deliveries to rail heads for inbound shipment.

History shows that human races have always recognized the economies of inland water transportation and have depended upon it to a large degree. Our experience in the last 100 years has taught us its limitations, but has not shaken our faith in it. We have come now to think of transportation nationally instead of locally; and we are prepared to proceed to develop and utilize every form of transportation—rail, water, motor, and air—to its economic limit.

One can not close this brief history of inland waterway transportation without centering his thought on the Intracoastal Canal in which we are all so deeply interested and pay tribute to the men who with their time and money made the project possible. By such men are empires created.

INAUGURAL ADDRESS OF HON. FRANKLIN D. ROOSEVELT, OF NEW YORK

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD the inaugural address of Hon. Franklin D. Roosevelt, Governor of the State of New York, delivered at Albany, N. Y., January 1, 1929.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

This day is notable not so much for the inauguration of a new governor as that it marks the close of the term of a governor who has been our chief executive for eight years.

I am certain that no governor in the long history of the State has accomplished more than he in definite improvement of the structure of our State government, in the wise, efficient, and honorable administration of its affairs, and, finally, in his possession of that vibrant, understanding heart attuned to the needs and hopes of the men, the women, and the children who form the sovereignty known as the people of the State of New York.

To Alfred E. Smith, a public servant of true greatness, I extend on behalf of our citizens our affectionate greetings, our wishes for his good health and happiness, and our prayer that God will watch over him and his in the years to come.

It is a proud thing to be a citizen of the State of New York, not because of our great population and our natural resources, nor on account of our industries, our trade, or our agricultural development, but because the citizens of this State more than any other State in the Union have grown to realize the interdependence on each other which modern civilization has created.

Under the leadership of the great governor whose place you have selected me to fill has come a willingness on our part to give as well as to receive, to aid, through the agency of the State, the well-being of the men and women who by their toil have made our material prosperity possible.

I object to having this spirit of personal civil responsibility to the State and to the individual which has placed New York in the lead as a progressive Commonwealth described as "humanitarian." It is far more than that. It is the recognition that our civilization can not endure unless we as individuals realize our personal responsibility to and dependency on the rest of the world. For it is literally true that the "self-supporting" man or woman has become as extinct as the man of the Stone Age. Without the help of thousands of others, any one of us would die, naked and starved. Consider the bread upon our table, the clothes upon our backs, the luxuries that make life pleasant; how many men worked in sunlit fields, in dark mines, in the fierce heat of molten metal, and among the looms and wheels of countless factories in order to create them for our use and enjoyment?

I am proud that we of this State have grown to realize this dependence and, what is more important, have also come to know that we as individuals in our turn must give our time and our intelligence to help those who have helped us. To secure more of life's pleasures for the farmer; to guard the toilers in the factories and to insure them a fair wage and protection from the dangers of their trades; to compensate them by adequate insurance for injuries received while working for us, to open the doors of knowledge to their children more widely, to aid those who are crippled and ill, to pursue with strict justice all evil persons who prey upon their fellow men, and at the same time by intelligent and helpful sympathy to lead wrongdoers into right paths. All of these great aims of life are more fully realized here than in any other State in the Union. We have but started on the road, and we have far to go; but during the last six years in particular the people of this State have shown their impatience of those who seek to make such things a football of politics or by blind, unintelligent obstruction attempt to bar the road to progress.

Most gratifying of all, perhaps, is the practical way in which we have set about to take the first step toward this higher civilization, for, first of all, has been the need to set our machinery of government in order. If we are to reach these aims efficiently without needless waste of time or money, we must continue the efforts to simplify and modernize. You can not build a modern dynamo with the ancient forge and bellows of the medieval blacksmith. The modernization of our administrative procedure not alone that of the State but also of those other vital units of counties, of cities, of towns, and of villages must be accomplished; and while in the unit of the State we have almost reached our goal, I want to emphasize that in the other units we have a long road to travel.

Each one of us must realize the necessity of our personal interest not only toward our fellow citizens but in the government itself. You must watch, as a public duty, what is done and what is not done at Albany. You must understand the issues that arise in the legislature, and the recommendations made by your governor, and judge for yourselves if they are right or wrong. If you find them right, it is your duty as citizens on next election day to repudiate those who oppose, and to support by your vote those who strive for their accomplishment.

I want to call particularly on the public press of this State, in whose high standards I have the greatest confidence, to devote more space to the explanation and consideration of such legislation as may come up this year, for no matter how willing the individual citizen may be to support wise and progressive measures, it is only through the press, and I mean not only our great dailies but their smaller sisters in the rural districts that our electorate can learn and understand what is going on.

There are many puzzling problems to be solved. I will here mention but three. In the brief time that I have been speaking to you there has run to waste on their paths toward the sea enough power from our rivers to have turned the wheels of a thousand factories, to have lit a million farmers' homes—power which nature has supplied us through the gift of God. It is intolerable that the utilization of this stupendous heritage should be longer delayed by petty squabbles and partisan dispute. Time will not solve the problem; it will be more difficult as time goes on to reach a fair conclusion. It must be solved now.

I should like to state clearly the outstanding features of the problem itself. First, it is agreed, I think, that the water power of the State should belong to all the people. There was perhaps some excuse for careless legislative gift of power sites in the days when it was of no seemingly great importance. There can be no such excuse now. The title to this power must vest forever in the people of this State. No commission; no, not the legislature itself has any right to give, for any consideration whatever, a single potential kilowatt in virtual perpetuity to any person or corporation whatsoever. The legislature in this matter is but the trustee of the people, and it is their solemn duty to administer such heritage so as most greatly to benefit the whole people. On this point there can be no dispute.

It is also the duty of our legislative bodies to see that this power which belongs to all the people is tranformed into usable electrical energy and distributed to them at the lowest possible cost. It is our power; and no inordinate profits must be allowed to those who act as the people's agents in bringing this power to their homes and workshops. If we keep these two fundamental facts before us, half of the problem disappears.

There remains the technical question as to which of several methods will bring this power to our doors with the least expense. Let me here make clear the three divisions of this technical side of the question.

First. The construction of the dams, the erection of power houses, and the installation of the turbines necessary to convert the force of the falling water into electricity.

Second. The construction of many thousands of miles of transmission lines to bring the current so produced to the smaller distributing centers throughout the State.

Third. The final distribution of this power into thousands of homes and factories.

How much of this shall be undertaken by the State, how much of this carried out by properly regulated private enterprises, how much of this by some combination of the two, is the practical question that we have before us. And in the consideration of the question I want to warn the people of this State against too hasty assumption that mere regulation by public-service commissions is in itself a sure guaranty of protection of the interests of the consumer.

The questionable taking of jurisdiction by Federal courts, the gradual erection of a body of court-made law, the astuteness of our legal brethren, the possible temporary capitulation of our public servants and even of a dormant public opinion itself, may in the future, as in the past, nullify the rights of the public.

I as your governor will insist, and I trust with the support of the whole people, that there be no alienation of our possession of and title to our power sites, and that whatever method of distribution be adopted there can be no possible legal thwarting of the protection of the people themselves from excessive profits on the part of anybody.

On another matter I tread perhaps a new path. The phrase, "rich man's justice," has become too common nowadays. So complicated has our whole legal machinery become through our attempt to mend antiquated substructures by constant patching of the legal procedure and the courts that justice is our most expensive commodity. That rich criminals too often escape punishment is a general belief of our people. The difficulty with which our citizens maintain their civil rights before the courts has not been made a matter of such public notice but is equally serious. It is my hope that within the next two years we will have begun to simplify and to cheapen justice for the people.

Lastly, I want to refer to the difficult situation to which in recent years a large part of the rural population of our State has come. With few exceptions it has not shared in the prosperity of the urban centers.

It is not enough to dismiss this problem with the generality that it is the result of changing economic conditions. It is time to take practical steps to relieve our farm population of unequal tax burdens, to install economies in the methods of local government, to devise sounder marketing, to stabilize what has been too much a speculative industry; and, finally, to encourage the use of each acre of our State for the purpose to which it is by nature most suited. I am certain that the cities will cooperate to this end, and that more and more we as citizens shall become State-minded.

May I, as your newly elected governor, appeal for your help, for your advice, and, when you feel it is needed, for your criticism? No man may be a successful governor without the full assistance of the people of his own commonwealth.

Were I as wise as Solomon, all that I might propose or decide would be mere wasted effort, unless I have your constant support. On many of the great State questions that confront us, the platforms and the public pledges of candidates of both parties are substantially agreed. We have passed through a struggle against old-time political ideas, against antiquated conservatism, against ignorance of modern conditions, marked by serious disagreements between the legislative and the executive branches of the Government. As I read the declarations of both parties in asking the support of the people at the polls, I can see little reason for further controversies of this kind.

There is a period in our history known in all our school books as the "Era of Good Feeling." It is my hope that we stand on the threshhold of another such era in this State. For my part, I pledge that the business of the State will not be allowed to become involved in partisan politics and that I will not attempt to claim unfair advantage for my party or for myself, for the accomplishing of those things on which we are all agreed.

You have honored me greatly by selecting me as your chief executive. It is my hope that I will not fail you in this critical period of our history. I wish that you may have a continuance of good government and the happiest of New Years.

NICARAGUA AND PANAMA CANALS

Mr. EDGE. Mr. President, I ask unanimous consent for insertion in the RECORD of three editorials, one from the New York World, one from the Washington Star, and one from the St. Louis Post Dispatch, all indorsing the pending resolution providing for a survey of the Nicaraguan canal and for a further investigation of the proposed enlargement of the Panama Canal. I would ask unanimous consent that the very short editorial from the New York World be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

[From the New York World, Tuesday, December 25, 1928]

A NEW LINK BETWEEN THE OCEANS

Senator EDGE says that if the traffic of the Panama Canal continues to increase at the rate of the last five years the capacity of the waterway will be overtaxed by the end of the next decade. The probabilities are that the traffic will continue to increase, but not relatively at the same rate as in the years of its early development. Yet there is no doubt that at some time within the not too distant future a second route across the Isthmus will be a commercial necessity, and that if it is to be ready when it is needed its construction should begin 10 or 15 years in advance of its need.

Commercial requirements are not the only consideration. A quick and convenient passageway between the east and west coasts of the United States is essential to the national defense. In case of war the Panama Canal will become one of our most vulnerable points—a veritable heel of Achilles. Two canals will afford vastly more protection than one.

A joint resolution is now before the Senate authorizing a survey for a canal through Nicaragua and a study of methods for increasing the capacity of the Panama Canal. This survey will involve relatively little expense because of the data assembled by the Isthmian Canal Commission in 1901. All that is needed is a revision which new engineering methods and changed construction costs require after the passage of so many years. The proposal is timely and Congress should adopt it.

The VICE PRESIDENT. The other two editorials referred to by the Senator from New Jersey will be printed in the RECORD, as requested.

The editorials are as follows:

[From the Washington Star, January 2, 1929]

THE NICARAGUA CANAL

When the Panama Canal, joining the Atlantic and Pacific Oceans, was authorized and later opened in 1915, it was generally supposed that the problem of water traffic between the East and the West had been solved. But now, after 14 years of use of the Panama Canal, it appears that the capacity of that canal will within the course of a few years be reached. It becomes evident that the commerce of the world demands still another waterway between the oceans.

Before it was finally determined to construct the Panama Canal there was a protracted fight in Congress to provide for a canal and waterway across Central America through Nicaragua. The Nicaraguan route was the preference of many of the legislators. And now that the time is coming when another route for shipping is to be necessary, it is proposed that the United States shall again undertake this great work and run a canal through Nicaragua. Senator EDGE, of New Jersey, author of a resolution providing for a thorough investigation and survey of the proposed canal route through Nicaragua, has given notice he will ask for action on the measure at the present session of Congress. It is not an undertaking to be lightly entered upon and it will receive serious consideration when the Senate reconvenes.

The United States is in a position to go ahead with this proposed Nicaraguan canal. Its treaty rights with Nicaragua have been in existence for years. President-elect Hoover, himself an engineer, during his recent visit to Nicaragua discussed the matter at length with the President of that country. It is not unlikely that Mr. Hoover would be glad to see this great engineering project initiated during his administration. It is estimated that it will require years to be brought to a completion. The time the work will require is a matter of estimate only, although American methods of construction may shorten it appreciably.

The business passing through the Panama Canal has grown by leaps and bounds. It has doubled every five years and is practically five times as great as it was during the first year of the operation of the canal. Senator EDGE believes that by 1940—certainly by 1960—the capacity of the Panama Canal will have been exceeded. The question naturally arises as to whether a Nicaraguan canal will not so reduce the business of the Panama Canal as to make the earlier canal or both "unprofitable." But there seems no end to the increase in the commerce and travel between the West and the Far East and the prospect is that eventually both canal routes will be well patronized.

[From the St. Louis Post-Dispatch, December 20, 1928]

THE NICARAGUA CANAL

Few things so fire the imagination of the people of the United States, and so fulfill their expectations of the sort of thing this great country should be doing, as the proposal that we build the Nicaragua canal.

Senator EDGE, chairman of the Senate Committee on Interoceanic Relations, is urging this project upon Congress. He does not rest his case upon either national sentiment or pride, which naturally dispose us toward such a great service to posterity, but upon the actual necessities of commerce. The Panama Canal has been more than a success. It has become to modern contact between oceans and continents a necessity that the Western Hemisphere could no more do without than the Eastern Hemisphere could do without the Suez Canal.

The increase in traffic through the Panama Canal has been beyond all expectations. In 1915, its first year, 1,075 vessels passed through it, and its revenue was $4,367,550. In the last year 6,456 vessels have gone through it, and its revenue has grown to $26,944,449. On a

commercial basis of $275,000,000, it is now paying 7½ per cent on the investment. The time is not far distant when it will be too small. In the opinion of Senator EDGE we shall have to do one of two things—enlarge the Panama Canal or build the Nicaragua canal.

We feel that the country will vastly prefer to build the Nicaragua canal. We have already paid Nicaragua $3,000,000 for the right to do so. In the days before we built the Panama Canal a commission of experts appointed to survey the proposed routes—that is, the one upon which the French had been working in Panama and the Nicaragua route—reported unanimously for the latter. It was a very great surprise when Congress thrust aside this recommendation and voted to build the canal across Panama. Perhaps the factor which determined its action was the feeling that in a region frequented by earthquakes a canal at virtual sea level was much less exposed to cataclysmic fortuity. If that was the reason we went to Panama, it was not a feeling shared by engineers. They have never had the least doubt about the practicability of the Nicaragua canal. It would first ascend the San Juan River and then traverse Lake Nicaragua, whence it would give into the Pacific. It would be about 183 miles long. As a scenic trip, which has made the Panama Canal such a great attraction, it would be incomparably preferable. Lake Nicaragua, lying in the Cordilleras at an altitude exceeded only by one other body of fresh water, Lake Titicaca, in the Andes, is one of the great natural phenomena of the world. Surrounded by volcanoes, some of them always active, about 100 miles long, and gemmed by islands in a setting like none other on earth, its beauty is said to be indescribable.

There are, too, as Senator EDGE says, political and social considerations which support the commercial claims of the Nicaragua canal. The effect of the Panama Canal has been to compose the lower isthmus and give it a place in our ordered civilization. Both Colon and Panama City are growing commercial cities in which the nationals of many countries do business unharassed by political disquiet. Mr. EDGE thinks the Nicaragua canal would have the same effect upon the upper isthmus. He reminds the Senate that we have been anything but happy in that region, which is true, as it also is true that by putting Nicaragua and the countries about her on one of the great commercial highways we can make of them, as we have already made of Panama, Cuba, and Porto Rico, political friends and commercial allies.

That is much better than making Latin-America a hunting ground for the marines.

ENFORCEMENT OF PROHIBITION

Mr. SHEPPARD. Mr. President, I present and ask that there may be printed in the RECORD three brief articles from the Washington Post of yesterday relative to the enforcement of prohibition during the past year and to the outlook for the future.

One of these articles contains the views of former Representative Andrew J. Volstead, the author of the act for the enforcement of the eighteenth amendment; another the comments of Dr. J. M. Doran, the Federal Prohibition Commissioner, and of Dr. F. Scott McBride, general superintendent of the Anti-Saloon League, and the other the observations of Mr. E. C. Yellowley, prohibition administrator for the Chicago district. I ask unanimous consent that these three articles may be published in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, January 2, 1929]

DRY LAW ENFORCED, VOLSTEAD ASSERTS—YEAR'S GREATEST SUCCESS IS STOPPING THE DIVERSION OF ALCOHOL, HE ADDS—SEES "TOPERS" PASSING

St. Paul, Minn., January 1 (United Press).—Prohibition enforcement the past year was rigid and successful and 1929 will be a "banner year" in reducing liquor consumption, Andrew J. Volstead, "father of the dry law," declared today.

"The greatest achievement of last year," the former Minnesota representative in Congress said, "was the successful stoppage at its source of alcoholic diversion from legal to illegal uses. Illicit diversion of alcohol is almost a thing of the past. Shipments of alcohol and alcoholic preparations in carload lots have also practically disappeared."

The absence of the saloon, he said, has dispensed with the former problem of "topers," who gradually are passing out of existence.

"Some young people drink, no doubt," Volstead added, "but they think it is smart. As there are no saloons, however, it is not likely that they will acquire the habit. The 'topers' were once our greatest problem, but are now only a minor consideration. As time goes on they will gradually pass away and we will have less trouble."

Volstead said the real battle ground for national prohibition enforcement was in the big cities. He named New York, Detroit, Chicago, Philadelphia, Baltimore, and Boston as the country's "wettest" spots.

"The day of the big bootlegger is gone from many districts," he added, "and the reign of the erstwhile liquor czars in other places is diminishing."

DRY REORGANIZATION OPPOSED BY DORAN—"MECHANICS" OF BUREAU BETTER THAN EVER, DECLARES COMMISSIONER—SEES CUT IN RUM SUPPLY

(United Press)

Prohibition Commissioner J. M. Doran predicted yesterday that dry law enforcement work would be more proficient and personal observance of the eighteenth amendment to the Constitution would be more general in the new year than at any time since prohibition.

"We get into the new year with the mechanics of the Prohibition Bureau in better shape than ever before, so far as organization goes," he told the United Press in an exclusive interview.

"The prospects of eliminating sources of bootleg supplies were never better, but the machine as it is must be left alone. If anyone attempts a new reorganization of the bureau it would be like trying to unscramble eggs."

COCKTAILS TO GO, HE SAYS

Doran said he was convinced the general public is slowly becoming accustomed to soft drinks instead of intoxicating beverages. He said many are even gradually eliminating near beer as a thirst quencher.

"We are steadily pushing commercial traffickers to the wall, and this removes opportunity to drink. Eventually it is hoped the entire populace will become accustomed to nonintoxicating refreshments instead of celebrating with gin cocktails and whisky highballs.

"This can be brought about by educating the younger generations. Young people who now imbibe, drink for the novelty of it and to get a thrill. American youngsters are not half as bad as some people try to paint them.

CITES "LIFE-SAVER" FOR MANY

"It takes years for the liquor habit to develop and taking one or two drinks every few weeks does not develop the habit. Prohibition is one certain cure for the drink habit. It has been a life-saver for the fellows who had to have five or six drinks of whisky every day to keep them moving."

Doran's view is reflected in a statement by F. Scott McBride, general superintendent of the Anti-Saloon League, who said yesterday there was every indication that voluntary observance of prohibition would increase.

McBride, however, warned that the dry forces expect to seek more severe legislation with more extreme penalties for certain classes of offenders.

PROHIBITION OBEYED, YELLOWLEY THINKS—SOME FEW DRINK, CHICAGO DIRECTOR ASSERTS, BUT MOST ARE RECONCILED—ARRESTS ARE FALLING OFF

CHICAGO, January 1 (A. P.).—E. C. Yellowley, prohibition administrator for the Chicago district, to-day declared that the New Year's celebrations indicate the city and country are becoming reconciled to prohibition and are not finding it so very painful.

"A certain few," he said, "persisted in trying to drink but they were in isolated cases. Reports from my men showed a very satisfactory respect for the prohibition laws."

Only one raid was made by the prohibition officials who toured the city New Year's eve and only three arrests were made. Prohibition agents in hotels and cafes mingled with the guests and ordered the management to confiscate bottles or flasks openly displayed but made no arrests and made no efforts to find hip flasks not on tables.

FEWER ARRESTS MADE

Chicago hotels which entertained 14,000 guests and the night clubs and cafes which entertained probably as many more, characterized the celebration as the liveliest in the city's history.

Mr. Yellowley said fewer arrests were made this year than any previous year and said several places would be observed further as a result of evidence obtained by his men last night.

In his annual report released to-day, Mr. Yellowley observed that "definite and advanced results" in enforcement of prohibition had been accomplished in the last year, adding that diversion of bonded liquor has been reduced to a minimum and that smuggling from Canada is one of the problems faced by agents now. However, he said, less than 2 per cent of the liquor seized in this district has been found to be real whisky.

MOONSHINE NOW PROBLEM

Diversion of industrial alcohol has been cut in half and the principal problem of prohibition enforcement now is the individual moonshine distiller rather than the large producer of former years, and he predicted this would be remedied with cooperation from the new State's attorney and the United States district attorney.

During the year, said the report, property valued at $3,672,764.54 was seized in the district, and permanent injunctions against 1,154 places were obtained, while 6,272 arrests were made. More than 93,000 gallons of alcohol, 309,000 gallons of beer, and 2,298,000 gallons of mash were seized.

TWO IMMIGRATION BILLS

Mr. WHEELER. Mr. President, I present an article from the Washington Post of Friday, December 28, 1928, entitled "Two immigration bills," which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Two months of this session will remain when Congress returns from the holiday adjournment. Barring filibuster, a great deal of worthwhile work can be done before March 4.

Among the important bills offered for the consideration of Congress are two by Senator BLEASE, of South Carolina, which affect the administration of the immigration laws. One of these relates to aliens who have once been deported and who have again entered the country surreptitiously. The other provides for the identification of lawfully resident aliens by administrative means. Both are highly important measures.

Except as provided in a special act relating to the exclusion and expulsion from the United States of those who are members of the anarchistic and similar classes, there is no provision of law under which a penalty other than repeated deportation can be imposed on aliens who have been expelled from the United States and who reenter the country unlawfully. The cost of redeportation is a considerable drain upon the Treasury, and since no imputation of crime or penalty is connected with the deportation procedure it is not surprising that illegal entry is now attempted by deported aliens on later occasions. The Blease measure provides that any alien who has been arrested and deported and who thereafter gains admission to the United States except through lawful channels shall be deemed guilty of a felony and upon conviction shall be punished by fine or imprisonment, followed by deportation under the usual procedure.

The naturalization act of 1906, which is still in force, makes it the duty of immigration officers to cause to be granted to arriving aliens a certificate showing certain information concerning the record of arrival. Following the passage of this law admitted aliens were supplied with a simple certificate, but for one reason or another the practice was abandoned, and for many years certificates of arrival were furnished only in connection with naturalization proceedings, and then not directly to the alien concerned.

A form of certificate of admission has been recently prepared by the Department of Labor, and beginning on July 1, 1928, has been issued to every alien permanently admitted as an immigrant. Without question, the identification card is a document of great value to lawfully admitted immigrants. Its possession facilitates naturalization proceedings and otherwise enables the holder to establish his status as a lawful resident. That these identification cards, as now issued in conformity with the naturalization statute, are appreciated by those to whom they have been issued since July of this year is evidenced by the fact that the Department of Labor reports a very considerable demand for similar certificates from immigrants who were admitted prior to July. No provision has been made for the issuance of documents of any kind in such cases.

The purpose of the Blease bill is to enable the Commissioner General of Immigration, with the approval of the Secretary of Labor, to provide aliens who are lawfully resident in the United States with certificates of admission or residence similar to those now issued, in conformity with law, to arriving immigrants. Perhaps authority might be implied for the issuance of certificates to prior admitted immigrants, but some doubt has been raised as to whether such authority does exist, in view of the fact that the language of the statute provides for their issuance to arriving aliens. Furthermore, the cost of meeting all of the requests which would come in from aliens admitted during the past 20 years would make their issuance impossible without considerable additional appropriations. The suggested law provides for a small charge for each certificate sufficient to reimburse the Government for the expense incurred.

Both of the Blease measures would be of material aid in enforcing the immigration laws. The number of aliens who enter in violation of law, or who enter as seamen in pursuit of their calling, as visitors and as transits, and remain unlawfully, makes identification of legal residents necessary both to them and to the Government. As to providing penalties for willful surreptitious entry after an undesirable alien has once been deported, no comment is necessary. Deported aliens who reenter illegally should be taught by appropriate means that the laws can not be lightly disregarded.

TEMPERANCE AND PROHIBITION

Mr. BRUCE. Mr. President, I ask unanimous consent to have printed in the RECORD two powerful communications just made by Mr. William Randolph Hearst, in relation to the prize of $25,000, offered by him for the best plan for repealing the eighteenth amendment, and thereby correcting the present evils and abuses of prohibition. One is a telegram sent by Mr. Hearst to Mr. W. C. Durant, and the other is a telegram sent by Mr. Hearst to Mr. Edwin J. Clapp.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Washington Times, January 3, 1929]

HEARST STRIVES FOR REAL TEMPERANCE

Mr. William Randolph Hearst to-day sent the following telegram to W. C. Durant in reply to Mr. Durant's comment on the publisher's offer of a $25,000 prize:

SAN SIMEON, CALIF., *January 3.*

W. C. DURANT,

250 West Fifty-seventh Street, New York.

MY DEAR MR. DURANT: I received your telegram and enjoyed it. We are not so far apart as might seem at first glance. At least we are not far apart in some phases of the problem we are discussing. You are in favor of temperance; so am I. I do not know how long you have been interested in the temperance movement, and how and to what extent you have crusaded for temperance.

Unless you might say the same thing about me, let me hurry to state that I have been a crusader in the temperance movement for something over 40 years; and I have printed an enormous number of editorials and cartoons attacking the saloon and the dispensation of hard liquors. That these editorials were at least considered effective propaganda may be indicated by the fact that many of the temperance organizations of the country asked leave to distribute them and did distribute many of them widely.

Therefore, I can assume, I think, that we are both equally sincerely interested in the cause of temperance; and the only difference between us is a difference of opinion as to what is the best means of promoting that cause.

You apparently believe that prohibition is an intelligent and practicable effort to promote temperance. I do not believe that it is. Our objective being the same—temperance or even total abstinence—our difference is merely one of method. I admit that I never did believe that prohibition would be effective as a temperance measure, for the reason that from the first it seemed inevitable, considering the character of our people, that a campaign of force would not be as effective as a campaign of education.

As I said in a previous telegram, paraphrasing a familiar quotation, you can lead the American people to water, but you can not make them drink it.

Furthermore, my fight had been chiefly against hard liquors, and it seemed to me from the first that it would be easier for the law-defying element to deal illicitly in hard liquors than in the milder and bulkier form of alcoholic drinkables. This opinion seems to have been borne out by the facts; and I think it can be truthfully said to-day that any man who wants a drink can get one; and about the only difference between the present condition and the condition preceding prohibition is that a man who wants a mild drink is compelled to take a strong one; and a man who wants a good drink is compelled to take a bad one.

It is true that saloons have been closed, but saloons were being closed before prohibition was enacted, being closed through the education of the public, through a high rate of excise taxation, through local option, and through direct legislation.

Since prohibition, for every saloon that has been closed there is either a still or a speakeasy or a bootlegger supplying the most vicious and injurious kind of liquor that it is possible to concoct or conceive of.

You ask is anybody in favor of the bootlegger and the speakeasy? The obvious answer is—No; nobody is, except possibly, the bootlegger and the proprietor of the speak-easy.

Some of the public are sincere enough and clear-thinking enough, however, to be opposed not only to the bootleggers and the speak-easy but to the condition which creates the bootlegger and the speak-easy.

You ask if anyone is opposed to the Constitution and the law. Nobody except the criminal class. But some of the public are sufficiently intelligent to realize that, when supporting the Constitution as a whole, they are also supporting that clause of the Constitution which permits the modification by amendment of that document's provision; and that it is just as much within the rights and liberties of the people to take prohibition out of the Constitution as it was within their rights and liberties to put it in in order to see how it would operate.

You intimate that prohibition has not been given a sufficient trial or a sufficiently fair trial.

It has been tried for 10 years. And I think the facts will justify the statement that there are more bootleggers to-day than there ever have been during the past 10 years of trial.

And that there are more speak-easies to-day than there ever have been during those 10 years;

And that there is more hard liquor and bad liquor being distributed to-day than there ever has been during those 10 years;

And that there are more criminals being created to-day by the liquor traffic than there ever has been during those 10 years;

And that those criminals, brought up and educated in law defiance by the liquor traffic, have become defiant of all other laws and added menaces to society in many other fields of dishonest endeavor. Prohibition has financed the underworld.

There is no use preaching, as we all do, that crime does not pay when it so obviously does pay—and pays big enough dividends to provide for the creation and employment of gangs of gunmen and thugs and murderers and bootleggers and hijackers, many of whom have become rich and consequently almost respectable; and all of whom are as earnestly, if not as conscientiously in favor of prohibition as you, sir, or any other of that measure's honest advocates.

You say that those who are in favor of the repeal of the eighteenth amendment are willing to admit defeat. Not all. They are only willing to admit facts and to call for a more intelligent and more successful plan which will lead them more surely to victory.

You imply that the Republican Party has just won its unprecedented political victory on the prohibition issue, and that the principal appeal of the Democratic candidate was his promise to use his high office to urge a relaxation of the liquor laws.

The Republican Party no more won a victory on the prohibition issue than the Prohibition Party ever won a victory on the prohibition issue. My contention is, and was during the whole campaign, in which I supported Mr. Hoover, that the liquor issue was not an issue at all in a Federal campaign, and that the President could do nothing to relax the liquor laws, and that Mr. Smith was making a false appeal which no intelligent voter should pay any attention to.

Charles Evans Hughes, formerly a justice of the Supreme Court of the United States, and fairly familiar with the laws of the land and the legitimate issues of the campaign, took the same view.

There were genuine issues in the last campaign—such as the maintenance of the high degree of prosperity which had prevailed under a Republican administration—and the voters had sense enough to recognize them. You say that out of 96 Members of the Senate 80 are dry and that out of 435 Members of the House 329 are dry. I would like to say, if it is not disrespectful, that many of them are dry intermittently, as it were, on the installment plan, and that their highest point of desiccation is reached during or immediately preceding a political campaign.

However, that has only an indirect application to the merits of prohibition as a temperance measure.

I am against prohibition for the same reason that the Church Temperance Society of the Episcopal Church stated that they were opposed to prohibition—because it has set the cause of temperance back 20 years.

Because it has substituted an effective campaign of force for an effective campaign of education.

Because it has replaced comparatively uninjurious light wines and beers with the worst kind of hard liquor and bad liquor.

Because it has increased drinking not only among men, but has extended drinking to women and even to children.

Because the most nearly universal Christmas present displayed in the shops, the department stores, the drug stores, and practically in every emporium during the Christmas season of good will to mankind were the hip flasks and cocktail shakers.

I am opposed to prohibition because it has created more and more skillful, and more highly remunerative and more dangerous criminals, and because it has corrupted our forces of law enforcement and to a certain degree even our judges; and because it has made pretenders and falsifiers out of so many of our public officials.

I am opposed to prohibition because it has instituted in the Government un-American methods of spying and sneaking and snooping and keyhole peeping and because prohibition fanatics, not content with that, are trying to have the Government go further and institute a secret police system, and a system of repression and oppression almost equal to that which wrought the ruin of the Russian Government.

What has become of our cherished American freedom of action, our boasted American personal liberty?

All that we held dear in our political system, as well as in our individual independence, has been sacrificed to a fetish.

Any sacrifice might be justified to further a great cause; but prohibition has not furthered the cause. It has hindered the cause. It has created intolerable criminal conditions and intolerable political conditions, and it has done nothing after 10 years' trial to advance the cause of temperance in which you and I are both sincerely and deeply interested.

Therefore, I think the time has come to call for another plan, a better plan, a more practical plan, which will advance the cause of temperance and will not merely promote crime, discredit law, demoralize the citizenship, and prostitute the public service.

WILLIAM RANDOLPH HEARST.

[From the Washington Times, January 3, 1929]

MR. HEARST'S OFFER OF $25,000 PRIZE

W. R. HEARST,

Los Angeles Examiner, Los Angeles, Calif.:

Glad you can use Pinchot plan. Pinchot plan mailed to-day to all Hearst Sunday editors. Your telegraph comments appreciated on subject of Education Versus Force in Getting Eighteenth Amendment Obeyed. We wish you had sent the telegram as entry in prize contest. Would like to come West and talk with you about this problem of law observance as a necessary part of the return of the country to being law-abiding.

EDWIN J. CLAPP.

In reply to the above telegram from Mr. Edwin J. Clapp, famous publicist, formerly with the Hearst papers, but now with Durant Motors (Inc.), Mr. Hearst sent the following telegram, which is printed herewith on account of the prize announcement which it contains:

EDWIN J. CLAPP,

Care Durant Motors (Inc.),

Room 2403, 250 West Fifty-seventh Street, New York, N. Y.:

We do not have to make the American people law-abiding. We only have to keep them law-abiding. And the best way to keep them law-abiding is not to make laws which very large and reputable elements of the community consider unwise, unjust, un-American, and in violation of their fundamental rights as free citizens.

I do not believe that prohibition ever will be or ever can be enforced, and I do believe that if a violent effort is made to enforce it during the next four years by the Republican administration the next President of the United States will be a Democrat.

Smith's candidacy proves nothing except that the people did not want Smith. Nor would the personal liberty issue have won in this campaign with any candidate. But after four more years of snooping, spying, keyhole peeping, and interference with fundamental rights and liberties by fanatics and professional busybodies the country will be ripe for a revolution against un-American conditions of this oppressive and offensive kind.

The opposition to prohibition is not merely by people who want to get drunk. Prohibition is opposed by such temperance influences as the Church Temperance Society of the Episcopal Church and the Hearst newspapers—I modestly put the Church Temperance Society of the Episcopal Church first.

The reason for this opposition is that prohibition is a failure as a temperance measure.

The more we try to enforce it the greater failure it becomes as a temperance measure, because the only thing we can absolutely prevent is traffic in bulky drinkables like wines and beers; and these contain the least amount of alcohol and are consequently the least harmful.

It has never been possible and never will be possible to prevent traffic in compact and concentrated alcoholic drinks; and even if the traffic could be interfered with, every man could make these in his own cellar if he should want to. Furthermore, we must not make the mistake of thinking that the country is divided into two classes—drys, who want to make the country bone dry; and wets, who want to make the country souse-wet.

There is an enormous middle class, which probably is a majority class, who believe in temperance and believe in personal liberty and realize that temperance can be secured without prohibition and never can be secured with prohibition.

These people do not want to be ruled by the liquor interests nor, on the other hand, by the bone-dry fanatics. Sooner or later they are going to assert themselves, and personally I think it will be sooner.

Prohibition has been repudiated by every country which has ever tried it. Primarily, because it did not accomplish the thing it was supposed to accomplish; and secondarily, because it became such an unpopular measure that no government could stand up under it, not even firmly entrenched monarchical governments.

Therefore, I think that in offering a prize on how best to enforce prohibition Mr. Durant is really offering a prize on how best to put the Republican Party out of power. And I personally think Mr. Pinchot has actually won the prize, because his plan, being the most un-American and the most obnoxious, will make the Republican Party more unpopular than any other plan which has been proposed. I did not mean to say in my previous telegram that education would get the eighteenth amendment obeyed.

I meant to say that education would promote a desire for temperance; but any sincere and intelligent desire for temperance will undoubtedly mean the repeal or material modification of the eighteenth amendment.

I consider the eighteenth amendment not only the most flagrant violation of the basic American principle of personal liberty that has ever been imposed on the American public but the most complete failure as a temperance measure that has ever been conceived and put into practical operation.

Therefore, I would like to offer, and hereby do offer, a prize of $25,000 for the best plan to repeal the eighteenth amendment and substitute in place of prohibition a more liberal and more American measure, which will secure for the public more genuine temperance with less offensive interference with the fundamental rights and personal liberties of the citizens.

WILLIAM RANDOLPH HEARST.

CONFIRMATIONS OF SOUTH CAROLINA POSTMASTERS

Mr. BLEASE. Mr. President, I send to the desk a resolution, for which I ask immediate consideration. I ask the indulgence of the Senate for just a moment.

There has been for some time much discussion as to the sale of post offices in my State. I have, when nominations were sent

in, requested from an appointee an affidavit that he or she has not paid or promised to pay any amount to any person or persons for their influence or support in securing said position, and unless such affidavit was filed with me I have declined to allow the party to be confirmed, save in one instance, at the home post office of the senior Senator from my State.

I now have in my possession these affidavits, and if any person has been confirmed and there is any proof anywhere that he has committed perjury in making these affidavits, any person knowing of the facts can prosecute and convict him for perjury in South Carolina.

I have for some time been holding up, or requesting that there be held up, all confirmations of postmasters in South Carolina pending the investigation now going on, and I feel that the time has arrived when I should not longer hold up any confirmation unless there be some definite proof. It is for that reason that I am asking that the investigating committee make the report herein requested, so that if there be such proof the appointees shall not be confirmed, and that those against whom there are no charges may be confirmed in order that the efficiency of the Government's business may not be in any way impaired.

I have personally some facts which I desire to present in case certain appointments are made, or the nominations should come before the Senate.

Mr. President, this resolution simply provides that the committee making the investigation inform the Senate whether or not they have any proof to offer to show why any nominee now before the Senate for confirmation as postmaster in South Carolina should not be confirmed. If there is such proof, I think the Senate is entitled to the information. If there is not, I think it is not right longer to hold up the confirmations, some of which have been here for some time.

I ask for the immediate consideration of the resolution. I am satisfied that the committee will have no objection to presenting the facts if they are requested.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The Senator from South Carolina asks unanimous consent for the immediate consideration of a resolution which will be read.

Mr. JONES. Mr. President, the chairman of the Committee on Post Offices and Post Roads is not here, and besides this comes very nearly dealing with executive matters. While I am in sympathy with some of the suggestions of the Senator from South Carolina, I think his resolution had better lie over until to-morrow.

Mr. BLEASE. Mr. President, I ask that the resolution may be read. I will state to the Senator from Washington that the chairman of the subcommittee is now in his seat.

Mr. JONES. I understand that the Senator from New Hampshire [Mr. MOSES] is chairman of the committee.

Mr. BLEASE. I am asking for a report from the subcommittee and not from the full committee.

Mr. JONES. I have no objection to the resolution being read, but I think it should go over.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 286), as follows:

Resolved, That the subcommittee, of which Senator BROOKHART is chairman, now investigating the patronage and post-office situation in South Carolina, be and is requested to inform the Senate if it has any evidence upon which it can or expects to request the Senate not to confirm any person nominated for postmaster in South Carolina.

Mr. BROOKHART. Mr. President, we have not investigated the phase of the situation referred to by the Senator from South Carolina. It has been the question of selling post-office appointments and collecting campaign contributions by promise of post-office appointments that we have investigated. We have quite a lot of information with reference to South Carolina. I have not checked it with reference to any particular postmaster, but rather with reference to the political machine which is running the appointments down there, and this I have done with a view to cleaning up the so-called crooked machines in the different Southern States. That is what I have been looking into. I think the subcommittee will be ready to report on that phase of the situation during the present session; at least I hope it will be. But we have not taken up the case of any particular postmaster to determine his fitness or whether he should be confirmed.

Mr. BLEASE. That is the reason why I ask for a report now. I have not anything to do with the machine in South Carolina. I have heard a great deal of talk about it. I myself have investigated some of its activities. I have heard Mr. Tolbert sometimes very severely criticized and sometimes otherwise, but I state here now as a Democratic Senator that, so far as I am concerned, I have investigated a good deal and I have never found where Mr. Tolbert has received one cent of corrupt money, unless we would call money corrupt that is collected from men who hold offices, to help keep themselves and their party in office.

I believe in giving a man a fair deal. I have no apologies for Joe Tolbert. I could say a good deal about him that I do not like, but I do know that if there was any proof in the hands of any man in the State of South Carolina that Joe Tolbert sold or bartered an office, or that he had received money in his own personal pocket for the sale of a post office, he would long ago have been in the penitentiary.

I do not think it is right to reflect upon others because some one is after one man only. I have no objection to Mr. Hoover kicking Tolbert out. I have no objection to his putting some one else in charge, because he is going to do that exact thing, of course. It is not Tolbert who is at fault. It is the Republican Party that is collecting this money, and Tolbert is simply their tool. Why deceive men whose appointments are being held up in the Senate and not being confirmed? Why should their confirmations be held up when there is not a single particle of proof that they have done anything wrong? If there is a postmaster in the State of South Carolina who has given or received any money for any wrongful purpose, I will guarantee the Senate, if they will furnish me the proof, that I will put him in the penitentiary. I will guarantee that if they will show me that Joe Tolbert himself personally has wrongfully accepted a dollar, I will put Joe Tolbert in the penitentiary.

I do not believe in saying to the postmasters of South Carolina generally, "You shall not be confirmed because of the fact that somebody says there is some charge of corruption." Let us have the facts. Let us have the report. If anyone is guilty let us prosecute him. If there is no one guilty, then quit slurring my State by saying that we have a wholesale jobbing of post offices going on, which I know is not true, unless it be by authority of the Republican Party. Tolbert might be guilty of it, but there are postmasters in South Carolina, and good ones, who would not submit to being bought or sold under any circumstances. They may contribute to the party, but they do not purchase any one man.

Let us have the facts as they are and expose the guilty and remove the insinuation from those who are not involved in the scandal. Money is paid, but who gets it; let us know.

Mr. BROOKHART. Mr. President, I would like to say further that we have taken the affidavits of every postmaster in South Carolina, and they are printed in the record of the committee hearings and are available to the Senator from South Carolina. If he wants to investigate the desirability of opposing or favoring any particular confirmation, that information is available to him now. We are investigating all of the Southern States. South Carolina is not the only one and probably not the worst one. When we report we shall not report piecemeal, but on the whole situation.

The PRESIDING OFFICER. Under objection, the resolution will go over under the rule.

MULTILATERAL PEACE TREATY

Mr. BLAINE. Mr. President, I desire, as in open executive session, to introduce a resolution relative to the multilateral peace treaty. I ask that the resolution may be read by the clerk and thereafter be printed and lie on the desk, and I shall bring it up at the appropriate time.

I also desire to state in relation to the resolution which I am offering, in order to call it to the attention of the Senate, that paragraph 10 of the British note or the British reservation to the multilateral treaty is another Article X of the covenant for the League of Nations. What Great Britain did not get under Article X of the league covenant she now proposes to acquire by engrafting upon the multilateral treaty paragraph 10 of the British note.

If America adheres to the peace treaty, then we legalize Great Britain's dominion in all the world and we acknowledge that less than 50,000,000 subjects of Great Britain shall have the right to rule over 400,000,000 people without their consent and against their protest. This proposed formula for peace stabilizes and legalizes the spoils of war obtained by the greatest Empire of the world. It is a one-sided declaration of British policy. By the Kellogg treaty America agrees to a decree quieting the title in the name of the British Empire to one-fourth of the world's inhabitable area.

I can not consent to a treaty that obligates America to recognize and respect the claim of any nation against the right of independence of other nations. Therefore, Mr. President, I offer the resolution and ask that it may be read.

The PRESIDING OFFICER. The Senator from Wisconsin, as in open executive session, asks unanimous consent to submit a resolution and that it be read. Without objection, the clerk will read the resolution.

The Chief Clerk read the resolution, as follows:

Whereas in the exchange of diplomatic notes between the United States and Great Britain the British Secretary of State for Foreign Affairs (Chamberlain), in a note to the American ambassador (Houghton), of date London, May 19, 1928, in accepting the invitation of the United States to join in the multilateral treaty, as a condition in adhering to said treaty stated:

"10. The language of Article I, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. * * *." And which condition and declaration, in substance, is repeated in the note of date London, July 18, 1928, from the British Secretary of State for Foreign Affairs to the American Government; and

Whereas said paragraph 10 of the British note is a unilateral condition upon the same subject matter and effecting in part the same purpose as does Article X for the Covenant of the League of Nations:

Resolved, That the Senate of the United States declares that, in advising and consenting to the multilateral treaty, it does so with the understanding that said paragraph 10 of the British note shall not imply any admission of any reserve made in connection therewith.

The Secretary of State is requested to forward a copy of this resolution to the representatives of the other powers.

The PRESIDING OFFICER. Without objection, the resolution will be referred to the Committee on Foreign Relations.

Mr. BLAINE. No, Mr. President, my request was that the resolution be printed and lie upon the table, stating that I would offer it at the appropriate time when the multilateral treaty is before the Senate for consideration.

Mr. SWANSON. I suggest that it lie on the table as in open executive session of the Senate, as is the case with the treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EDGE. Mr. President, I desire to propound a question to the Senator from Wisconsin on the subject matter he has just presented. In quoting section 10 of the letter from the British Foreign Office to the American Secretary of State, did the Senator from Wisconsin include the entire paragraph or section 10? I did not hear clearly the reading.

Mr. BLAINE. I included the entire section as it relates to the declaration of policy by the British Government. I omitted that part of paragraph 10 which offers to our Secretary of State a gratuitous interpretation and application of the American Monroe doctrine.

Mr. EDGE. I thank the Senator.

DISTRIBUTION OF THE CONGRESSIONAL RECORD

Mr. HEFLIN. Mr. President, just before the Senate recessed for the Christmas holidays, I gave notice that I would ask for the consideration of the bill to increase the number of copies of the CONGRESSIONAL RECORD to each Senator and each Member of the House of Representatives.

Mr. JONES. Mr. President, has morning business been concluded?

The PRESIDING OFFICER. Morning business has not been completed. Concurrent or other resolutions are in order.

Mr. HEFLIN. Mr, President, I merely wish to make a statement. The senior Senator from Utah [Mr. SMOOT] was called out of the Chamber and said he could not be here this morning, and desired to know if I would not let this matter go over until to-morrow morning. I do not want the measure to lose its place; it ought to be considered and passed at an early date. I do not think it will take more than twenty or thirty minutes to consider and dispose of it, and I am willing that it should go over with the understanding that we may have some time to consider it to-morrow morning.

ENFORCEMENT OF THE EIGHTEENTH AMENDMENT

Mr. JONES. I submit a Senate resolution, which I ask may be read and then referred to the Committee on the Judiciary.

The Chief Clerk read the resolution (S. Res. 287), as follows:

Resolved, That a committee of five Senators be appointed by the Vice President to investigate the enforcement of the eighteenth amendment to the Constitution of the United States. Said committee is authorized and directed to make a complete investigation and study of the system and methods of the enforcement of said amendment and the laws passed thereunder, and to determine the best means and methods for improving the enforcement thereof, and submit its report and recommendations to the Senate at as early a date a practicable, and not later than January 1, 1930.

The committee is authorized to take such testimony, subpœna such witnesses, employ such stenographers at a cost of not to exceed 25 cents per 100 words, and such clerical help as may be necessary, to enable it to make a complete study and investigation. The cost thereof shall be paid out of the contingent fund of the Senate upon vouchers signed by the chairman of such committee: *Provided*, That the cost of such study and investigation shall not exceed $10,000.

The PRESIDING OFFICER. The resolution will be referred to the Committee on the Judiciary.

Mr. KING. Mr. President, apropos of the resolution just submitted by the Senator from Washington, permit me to say that a few years ago a Senate committee was appointed, known as the Couzens committee, for the purpose of investigating the Internal Revenue Bureau of the Government, including the Prohibition Unit. That committee consisted of the Senator from Michigan, Mr. COUZENS, the Senator from Indiana, Mr. WATSON, the former Senator from Kentucky, Mr. Ernst, the late Senator Jones, from New Mexico, and myself. After taking testimony for perhaps two weeks in connection with the enforcement of the Volstead Act the revelations were of such a character and the evidence so conclusive of its nonenforcement and the evils existing either from the law or its nonenforcement that the committee felt there was no profit in further prosecuting the investigation.

Subsequently, another committee of the Senate spent considerable time in investigation of prohibition. Later the committee investigating the election of Mr. Vare had occasion to make an inquiry as to the expenditures of the Anti-Saloon League, and that committee ascertained that the Anti-Saloon League had collected and expended more than $60,000,000 in carrying on its activities. I am not quite clear as to the necessity of further investigation of this subject.

I introduced a bill this morning which I think, if enacted, will be of some advantage in bringing about a better enforcement of the law. The bill transfers to the Department of Justice—the law-enforcing department of the Government, armed and equipped as it is to enforce all laws—the enforcement of the prohibition law. The Department of Justice was created in the early days of the Republic. It is the law-enforcing agency of the Government. It is equipped to advise all officers of the Government and to enforce the criminal laws of the United States. It has hundreds of district attorneys and assistant district attorneys; it has hundreds, if not thousands, of marshals, deputy marshals, investigating agents, secret-service agents, and other instrumentalities. It has always seemed to me that to be an anomalous and rather an absurd thing to place the enforcement of criminal statutes in the tax-collecting agency of the Government.

When the Volstead Act was under consideration in the Committee on the Judiciary I opposed the provision creating the Prohibition Unit, and moved as an amendment to the bill that the enforcement of its provisions be placed in the hands of the Department of Justice. The bill which I introduced this morning is merely a reiteration of the position which I took years ago when the Volstead Act was under consideration before the Judiciary Committee.

Mr. BRUCE. Mr. President, I should like to ask the Senator from Washington [Mr. JONES] a question, which I regret it is necessary to ask. This resolution, of course, contemplates the appointment of Senators as members of the proposed commission, does it not?

Mr. JONES. Yes; that is what it provides for. I do not care to discuss it on the floor of the Senate, however, at this time. The resolution has been referred to the committee.

Mr. BRUCE. In others words, what the Senator contemplates is not an investigation such as the incoming President has promised us—that is to say, an impartial, searching, and exhaustive investigation by a disinterested commission appointed outside of Congress, but a committee of investigation made up of Members of this body, who would carry on their deliberations under the uplifted lash of the Anti-Saloon League. What possible occasion, in view of the promise that Mr. Hoover has made to us, can there be for such a committee as is proposed by the resolution? The very nature of the committee suggests the idea that it is intended to forestall action by the incoming President; to use figurative language, to take the wind out of his sails.

Mr. JONES. No; there is no intention of that kind at all.

Mr. BRUCE. I do not like to use such an expression, but the purpose is to foist upon the people of the country a senatorial investigation instead of such an impartial and dispassionate investigation as we have every reason to believe Mr. Hoover, in view of his solemn promise, will give to the people

of this country. Prohibition has often been made the subject of astute indirection in one form or another. I hope that practice will not proceed to the extent of the adoption of this resolution by this body.

Mr. JONES. Mr. President, I have no remarks to make on the resolution at this time.

APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS

The PRESIDING OFFICER. Morning business is closed, and the calender under Rule VIII is in order.

Mr. JONES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 15569, making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1930, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. JONES. I ask that the formal reading of the bill may be dispensed with and that the bill may be read for amendment, the amendments of the committee to be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KING. Mr. President, an examination of the bill reveals that it carries an appropriation of more than $21,000,000 above that for the same departments and agencies appropriated for the present fiscal year. In the light of the promises of economy made by the President and the party in power, I am unable to understand why this bill, as well as others which have been reported, carry appropriations so much in excess of those of preceding years. It is apparent that the appropriations under these promises of economy will exceed $5,000,000,000 for the next fiscal year.

Mr. JONES. The increase was made in the House in the consideration of the bill, and almost the entire part of that increase was caused by the appropriation for taking the next census.

Mr. KING. I inquire as to the reason for the very large appropriation for the aeronautical branch of the Department of Commerce.

Mr. JONES. The aeronautical branch, of course, is an activity that is expanding quite rapidly; it is developing very fast; and the Budget estimate for it was agreed to by the House excepting about $33,000. That amount has been put on by the Senate committee in order to bring the appropriation up to the Budget estimate. It was urged by the Department of Commerce that if the Budget estimate should be reduced it would very largely cripple the administrative work in connection with this activity, which is expanding, as I have said, very rapidly. The Assistant Secretary of Commerce sent us a very strong letter urging that the appropriation be brought up to the Budget estimate, and the Senate committee, after considering the question, thought that this was such an important activity that it should not be crippled, and so it increased the amount to make it conform to the Budget estimate.

Mr. KING. It seems to me that nearly $5,000,000 for this agency is rather a large amount, and the increase is very large.

Mr. JONES. That activity has been growing very fast, as the Senator knows. There has been quite an expansion in the air activities, and much more even is promised for the future. In view of the rapid development, it was felt that the Congress was justified in making this appropriation, and that, as a matter of fact, it would be injurious if we did not make it.

Mr. KING. May I inquire of the Senator in regard to another subject?

Mr. JONES. Certainly.

Mr. KING. The appropriations for the Bureau of Foreign and Domestic Commerce are rapidly increasing. What is the increase over the last fiscal year?

Mr. JONES. My recollection is that the increase made in the House was about $40,000 or more above the Budget estimate. The House committee went into this activity very extensively. As the Senator knows, the activities of this bureau have been increasing every year for several years. The Senator knows also of the increase and expansion in our foreign business and of the importance of such increase and expansion. The House committee after going into the matter very carefully, made an allowance even above the amount recommended by the Budget, and the Senate committee increased that figure by $15,000. Such an increase was pressed by the Senator from Florida [Mr. FLETCHER], and the very urgent need of the increase was presented to the committee. The committee felt justified in raising the appropriation made by the House by that amount, because of the expansion of this tremendously important activity, in the interest of the Government and the growth and development of business. The Senator appreciates, I know, as well as I do the influence of foreign trade upon our own business and our own industries and the importance of expanding our trade in foreign countries, where we are going to be met with increased activity upon the part of other nations which are naturally increasing their efforts to expand their trade, and to take from the markets of the world. In view of the circumstances we felt fully justified in recommending the increase in the appropriation.

Mr. KING. I am not depreciating the work of this bureau, and I pay tribute to the ability of Doctor Klein, who is the director of the bureau. He has been active in promoting our foreign trade and has exhibited ability of a very high order. I have sometimes felt, however, that we are imposing upon the bureau duties and responsibilities which belong to private business and to American citizens who are engaged in domestic business as well as in foreign trade and commerce. The Government is not to be the business agent for everyone and to find markets, domestic and foreign, for our manufacturers and others who are engaged in business enterprises. I am afraid there is developing a feeling that the Department of Commerce must find domestic buyers for our products and foreign markets for all surplus products. And I have sometimes feared that the Department of Commerce was lending too much encouragement to this view and was seeking to increase its activities and expand its jurisdiction and functions.

I appreciate the importance of expanding our foreign trade and have criticized the party in power because of what I conceived to be some of its reactionary policies which were calculated to restrict our exports and to injure our foreign trade. I have opposed some measures which sought to place an embargo upon imports, the effect of which, of course, would be to limit exports. We hear a great deal about foreign markets and the importance of sending our products to all parts of the world. I approve of this policy. Anyone familiar with our resources and capacity for production must know that the United States can produce sufficient agricultural products to feed 200,000,000 people and can supply a large part of the needs of the American people in other commodities and necessaries and have surpluses of the value of billions of dollars.

Prohibitive tariffs mean diminished exports and diminished exports mean a limitation upon domestic production. We must find markets for our surplus products; markets in Europe and markets in all parts of the world. And the American business man, with his knowledge and aggressiveness, will find these markets if we will place no handicaps upon him and if we will adopt wise policies with respect to our international relations. If we permit selfish corporations and powerful trusts and monopolies to dictate our tariff laws and to compel the enactment of legislation that will enable them to exploit our own people, we will soon discover that our foreign markets will be, in part at least, lost to American producers. International trade is founded upon reciprocity; commodities are paid for in part by commodities, not gold.

If we adopt wise and pacific measures and constructive policies with respect to trade and commerce, our commodities will go to every port in the world and the ships of the United States will be found in the seven seas. But if we pursue a narrow, provincial, and restrictive policy we will drive our commerce from the seas, close the ports of the world against us, and bring about financial and industrial depression throughout the United States.

However, I do not intend to enter into a discussion of this question.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I want to ask the Senator from Washington just one other question. Does the Senator from Tennessee desire to ask a question?

Mr. McKELLAR. No; I merely wish to make a statement with reference to the particular item to which I imagine the Senator is referring—the total for the Bureau of Foreign and Domestic Commerce, on page 62.

Mr. KING. Yes; I was referring to that item.

Mr. McKELLAR. That bureau, as the Senator of course knows, is under Dr. Julius Klein, one of the most competent and efficient men, I think, that we have in the Government service. He is a man who is thoroughly posted, and he is doing a great work; and I was constrained to believe that the small increases which were asked for should be made.

I agree with the Senator entirely that we ought to do everything possible to build up our foreign commerce. In order to

build up our foreign commerce we are obliged to take steps on this side of the water to aid in that very desirable project, and so these increases were permitted by the committee. They are very small and might, indeed, have been made larger.

Of course, I agree with the Senator also in his statements about our general policy. I think we could increase our foreign trade a great deal more by adopting a different general policy than that which we have; but I certainly think these increases should be allowed.

Mr. KING. Mr. President, it is needless to repeat that I am anxious to develop the resources of our country and to aid in every legitimate way in increasing our exports. The point that I desire to make is that I am apprehensive of the growth of the bureaucratic organizations in the Government and that with their growth there will be a corresponding decline in individual initiative and effort and an inclination to have the Government through its bureaus and agencies assume duties and responsibilities which belong to individuals.

I have confidence in the business ability, in the initiative, and in the capacity of the American people and of our business men, but we find in many of the departments of the Government a disposition to encourage the people to come to the Government for support and for aid, and representations are made that the Government can materially help individuals in their private and personal matters.

American business men for many years have had their representatives abroad, and before the war business houses in Germany, Great Britain, and other countries sent to the United States and other countries their representatives to find markets for their products. The Germans were particularly active in the United States and sold, through representatives of business houses, large quantities of German products. And the United States was increasing before the war its foreign markets, and the manufacturers of the United States were competing with other manufacturing countries in the markets of the world.

The Department of State and other Federal agencies furnished them statistics and other important information, but there was no disposition to keep in various parts of the world business representatives as a sort of adjunct to the business houses and industries of the United States. Our Consular Service was active in obtaining statistics and information helpful to American buyers and American sellers. They prepared and transmitted to the State Department thousands of reports annually. The Department of Commerce has somewhat encroached upon the State Department and is increasing its activities and, of course, multiplying its personnel and greatly adding to its expenditures. What the end will be I can not say.

Mr. JONES. Mr. President——

Mr. KING. I yield.

Mr. JONES. Will the Senator permit this suggestion, which I think he probably overlooks:

In the previous consideration of these bills it has been shown that there is the closest and fullest cooperation between the State Department officers and consular officers and the other representatives of the State Department and the commercial attachés and agents and representatives of the Department of Commerce so far as the expansion of business and everything of that kind is concerned. That was so well demonstrated that the committee did not go into that phase of the matter at this time, because we are satisfied that there is practically no duplication; that the consular officers do work that otherwise would be done by the commerce officials, but their work is made available to the commercial attachés and representatives of the Department of Commerce, and that the representatives of the Department of Commerce do work that otherwise would be done, if necessary, by the State Department officers, and that they have regular meetings and conferences where they harmonize the work and very largely prevent duplication.

Mr. KING. Mr. President, I am familiar with the situation which obtains and the cooperation between the State and the Commerce Departments as indicated by the Senator. The Senator may remember that I looked with a great deal of concern upon what I conceived to be the encroachment of the Department of Commerce upon the proper functions of the State Department. I believe that we should have strengthened the State Department; bring substantially all of our foreign activities under its jurisdiction; that we should expand the Consular Service; extend its activities and utilize our Diplomatic and Consular Service more extensively and intensively than in the past in furthering our commercial relations with other nations. Many of our consular agents were men of experience, familiar with business conditions in the various countries in which they served. They had studied and were studying business conditions and were in a position to expand their activities and to render additional service for the promotion of our foreign trade and commerce. I believed that we should have coordinated all of our foreign activities and utilized to the fullest extent those who were connected with the State Department in the promotion of our commercial interests throughout the world.

My views, however, were not followed. We put upon the Department of Commerce work which I thought should have been performed by the Department of State and have set an example which will continue to plague Congress. The Department of Agriculture now demands that it have a foreign service and a bill is upon the calendar creating a bureau of foreign commerce in that department.

The argument is made that if the Department of Commerce is given a bureau for foreign service, then the Department of Agriculture should be treated in a similar way. It is contended that a large part of our exports are agricultural products and there is no reason why the Agricultural Department should not have hundreds of representatives stationed throughout the countries of the world and traveling throughout the world for the purpose of finding markets for American agricultural products.

The Department of Labor has contacts with the world, and it will soon demand additional organizations and bureaus to function in various parts of the world. There are persons who insist that the Immigration Bureau should have a foreign service and should have representatives in the important countries of the world. It is claimed by some that the Tariff Commission in order to obtain data from foreign countries to enable it to properly function should have a foreign-service bureau and be permitted to establish branches in many countries, particularly those which export commodities to the United States. Recently some educators insisted that the Bureau of Education should have a foreign service so as to obtain information available for our educational development.

Mr. President, we have literally thousands of representatives of the Federal Government stationed throughout the world, and hundreds, if not thousands, of persons connected with ambulatory commissions and organizations who flit from clime to clime and from continent to continent, costing the Government of the United States millions of dollars annually. Instead of consolidating bureaus and Federal agencies, we are multiplying them; instead of diminishing Federal employees we are increasing the number. We boast of the wealth of our country and then collect larger revenues and increase national expenditures. We will soon pass the five billion dollar mark for annual expenditures of the Federal Government.

I appreciate, Mr. President, that no objections to appropriations will be of any avail. We increase expenses but never reduce them. Attacks upon appropriation bills do not succeed. Indeed, there would be surprise, if not consternation, in the Senate if any appropriation bill was reduced even to the extent of one dollar.

Mr. FLETCHER. Mr. President, I desire to say just a word, since the Senator from Washington [Mr. JONES] referred to me in connection with this item. It is primarily intended to expand and enlarge the work of the London office of the Bureau of Foreign and Domestic Commerce, particularly with reference to the handling of citrus fruits.

The States of California, Texas, Arizona, to some extent perhaps Louisiana and Mississippi, and Florida are interested in expanding the market for citrus fruits. Last year the Leyland Line transported from Jacksonville abroad to London quite a few cargoes of grapefruit and oranges. This year the Palmetto Line has equipped with refrigeration three extra ships, and the Leyland Line and the Palmetto Line will be moving citrus fruits to Europe, and especially to London. From that market they will reach the other European markets.

I asked for more than this amount, but the committee allowed this; and it is very necessary in order to increase the facilities of the Bureau of Foreign and Domestic Commerce in London, especially with reference to the marketing of citrus fruits.

We are producing in this country a surplus. We are exporting large quantities, and there will be larger quantities produced. This market is a market of very great importance to the whole citrus industry in this country. They need some facilities there for placing the fruit, for listing the importers, and for giving information to our shippers with reference to the methods of packing and carrying and delivering the fruit. This small item of $15,000 is primarily to strengthen the London office so as to provide additional markets for this important commodity.

Mr. HEFLIN. Mr. President, in reply to the Senator from Utah [Mr. KING] I wish to say that I am heartily in favor of sending the necessary agents to represent the agricultural interests of the United States into foreign countries. I think we could spend money to no better purpose than to engage in the work of carrying forward and expanding our agricultural trade in foreign countries. Cotton and grain and other prod-

ucts of American soil would be materially benefited by sending American agents into foreign countries to urge the increased use of the products of American agriculture. It would not only greatly benefit the farmers of our country by increasing the demand for the products of the American farm, but it would increase our commerce with foreign nations and add each year to our balance of trade.

The PRESIDING OFFICER (Mr. BLEASE in the chair). The Secretary will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Transportation of Diplomatic, Consular, and Foreign Service officers," on page 12, line 10, after the word "exceed," to strike out "$45,000" and insert "$55,000," and in line 17, after the word "home," to strike out "$410,000" and insert "$420,000," so as to read:

To pay the traveling expenses of Diplomatic, Consular, and Foreign Service officers, and clerks to embassies, legations, and consulates, including officers of the United States Court for China, and the itemized and verified statements of the actual and necessary expenses of transportation and subsistence, under such regulations as the Secretary of State may prescribe, of their families and effects, in going to and returning from their posts, including not to exceed $55,000 incurred in connection with leaves of absence, and of the transportation of the remains of those officers and clerks who have died or may die abroad or in transit while in the discharge of their official duties to their former homes in this country for interment, and for the ordinary expenses of such interment at their posts or at home, $420,000.

The amendment was agreed to.

The next amendment was, under the subhead "Aircraft in commerce," on page 53, line 22, after the word "exceed," to strike out "$229,570" and insert "$263,210," and on page 54, at the end of line 12, to strike out "$935,000" and insert "$968,640," so as to make the paragraph read:

Aircraft in commerce: To carry out the provisions of the act approved May 20, 1926, entitled "An act to encourage and regulate the use of aircraft in commerce, and for other purposes" (U. S. C. pp. 2119–2123, secs. 171–184), including personal services in the District of Columbia (not to exceed $263,210) and elsewhere; rent in the District of Columbia and elsewhere; traveling expenses; contract stenographic reporting services; fees and mileage of witnesses; purchase of furniture and equipment; stationery and supplies, including medical supplies, typewriting, adding, and computing machines, accessories and repairs; maintenance, operation, and repair of motor-propelled passenger-carrying vehicles; purchase of not to exceed five airplanes, including accessories and spare parts, and maintenance, operation, and repair of airplanes, including accessories and spare parts; special clothing, wearing apparel, and similar equipment for aviation purposes; purchase of books of reference and periodicals; newspapers, reports, documents, plans, specifications, maps, manuscripts, and all other publications; and all other necessary expenses not included in the foregoing, $968,640.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Foreign and Domestic Commerce," on page 58, at the end of line 17, to strike out "$923,500" and insert "$938,500," so as to read:

Export industries: To enable the Bureau of Foreign and Domestic Commerce to investigate and report on domestic as well as foreign problems relating to the production, distribution, and marketing, in so far as they relate to the important export industries of the United States, including personal services in the District of Columbia, traveling and subsistence expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, and all other publications, rent outside of the District of Columbia, ice and drinking water for office purposes, and all other incidental expenses connected therewith, $938,500.

The amendment was agreed to.

The next amendment was, on page 62, line 18, before the word "of," to strike out "$4,524,923" and insert "$4,539,923," and in line 19, before the word "may," to strike out "$1,704,340" and insert "$1,719,340," so as to read:

Total, Bureau of Foreign and Domestic Commerce, $4,539,923, of which amount not to exceed $1,719,340 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 91, line 2, after the word "exceeding," to strike out "$47,000" and insert "$57,000," and at the end of line 16, to strike out "$360,000" and insert "$370,000," so as to make the paragraph read:

Alaska, general service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska; not exceeding $57,000 for construction, improvement, repair, and alteration of buildings and roads, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, hire and maintenance of vessels, purchase of sea otters, and for all expenses necessary to carry out the provisions of the act entitled "An act to protect the seal fisheries of Alaska, and for other purposes," approved April 21, 1910 (U. S. C. p. 431, secs. 631–658), and for the protection of the fisheries of Alaska, including contract stenographic reporting service, travel, subsistence (or per diem in lieu of subsistence) of employees while on duty in Alaska, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $370,000, of which $100,000 shall be immediately available.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER. That completes the committee amendments. The bill is still as in Committee of the Whole and open to amendment.

Mr. JONES. Mr. President, I send to the desk a committee amendment, which the committee directed me to offer on the floor. It is on page 8, line 19, under "Allowance for clerk hire at United States consulates."

This is to place the clerks in the same condition as that of clerks at legations, which was taken care of by the House on page 6. I offer the amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. On page 8, after the word "State," in line 19, insert:

including salary during transit to and from homes in the United States, upon beginning and after termination of service.

The amendment was agreed to.

Mr. JONES. I offer the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 33, in lines 23 and 24, to strike out "$9,000."

Mr. JONES. That is already covered by law.

The amendment was agreed to.

Mr. JONES. I offer the following amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. On page 35, to strike out line 14, the subhead "Examination of judicial offices."

The amendment was agreed to.

Mr. JONES. I also offer the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 36, strike out line 9, the subhead, "Pueblo Lands Board."

The amendment was agreed to.

Mr. KING. Mr. President, I would like to ask the Senator if these are mere pro forma amendments?

Mr. JONES. Yes; these were already covered by language already in the bill, under the heading "Miscellaneous objects," so that there is no need of those different items.

Mr. KING. I should like to ask the Senator another question. My recollection is that when we had under consideration the bill for the restoration to the Germans and Austrians the property which had been sequestered, it was understood that the costs which would be incurred by the United States in restoring the property and in conducting any litigation would be paid out of the appropriation made by Congress to pay any obligations found due by the umpire which was contingently made by Congress. I notice here, on page 26, $118,762. Apparently that is a direct appropriation from the Treasury. I was wondering if the matter had been brought to the attention of the committee, and whether they determined that the United States should pay this, to be reimbursed subsequently from the fund which was appropriated, or which will be appropriated, or whether it was to be an absolute charge upon the Treasury of the United States.

Mr. JONES. I will say that that was in the bill as it came from the House. There was no question raised about it, or suggestion made in regard to it, and I assume that it goes in accordance with existing law. But I will say to the Senator that I have not looked into the details of the matter. I think this is a provision similar to the one we had in the last bill. It goes along the same lines.

Mr. KING. Mr. President, if I correctly remember the terms of the measure to which I have referred, there ought to be a

reservation in this bill to the effect that the amount appropriated is reimbursable out of the fund appropriated or which will hereafter be appropriated by Congress to meet the judgments and awards of the arbiter.

Mr. JONES. I will say to the Senator that there is a constant reference in this paragraph to the treaties concluded between the United States and these different countries. So I take it that this is in accordance with those treaties and existing law.

Mr. McKELLAR. If the Senator will look at the bottom of page 26, he will see the language—

the expenses which * * * and the agreement of November 26, 1924, are chargeable in part to the United States.

I take it that that refers only to that part we are under treaty agreement to pay.

Mr. KING. That has no reference to the bill which was passed providing for the restoration of the property. I wanted to challenge attention to that fact so that the committee, in the consideration of the next bill, may look into the matter, and if it seems, as I think it is, that the German property is to be held responsible for these expenditures, then provision should be made for withholding from that fund of $50,000,000, or a larger fund, if such there be, sufficient to meet the expenditures which have been advanced from the Treasury of the United States.

Mr. HAYDEN. Mr. President, the bill does not provide an adequate sum to care for the needs of the Bureau of Immigration in the Department of Labor. I intend to offer an amendment to increase the amount appropriated in this bill for the support of that bureau by $250,000, and I shall address the Senate briefly on that proposal.

It was not possible to have a hearing before the Senate Committee on Appropriations on this subject, and I am therefore compelled to introduce testimony from other official records. I desire to quote from the last annual report of the Commissioner of Immigration, Harry E. Hull. The report, dated June 30, 1928, states:

Prior to 1921, when the first quota law was enacted, or, perhaps, more accurately, prior to 1924, when the last quota law was enacted, the great bulk of immigration poured through our seaports, and Ellis Island, New York Harbor, was the great portal—the gateway through which the immigrant entered the land of opportunity. The land border ports were of secondary importance. If the expressions "Ellis Island" and "immigration" were not synonymous, one could hardly think of the one without thinking of the other.

* * * * * * *

A great change has been taking place along our borders; steadily are they approaching a place of first importance in the scheme of things from an immigration standpoint. The fiscal year just closed witnessed a movement back and forth across these frontiers made up of citizens and aliens aggregating 53,000,000 entrants.

I direct the attention of the Senate to the large number of persons, 53,000,000, who passed back and forth across the Canadian and Mexican borders during the last fiscal year.

Many of these, of course, were commuters, visitors, excursionists, and so forth. The tremendous impetus given to travel by the automobile and the opening of myriad new roads have been the chief contributing factors.

Nevertheless, this large number of persons must be inspected daily by the United States Immigration Service.

The commissioner's report continues:

It is almost impossible for the Appropriations Committee and the Bureau of the Budget to keep pace with the ever changing and increasing demands, without granting a larger appropriation than is proven necessary at the time appropriations are determined upon. So far the bureau has not been granted sufficient money with which to take care of unusual and unforeseen emergencies. In short, we are, generally speaking, anywhere from six months to a year behind the procession.

I might add in this connection that the problem of handling aliens arriving by air is coming on apace, so that in addition to our seaport and border control problems, we are right now confronted with the problem of opening many new ports of entry for aliens arriving by aircraft.

The Commissioner of Immigration concludes:

The foregoing means one thing and one thing only; we have simply got to have the men or else we can not enforce the law.

A large part of this work is done by the border patrol, and in commenting upon the activities of that branch of the service the commissioner says:

Beginning July 1, 1924, with an appropriation of a million dollars and a personnel of 472 employees, the organization has been expanded to a total of 747 members, consisting of 1 supervisor, 6 assistant superintendents, 28 chief patrol inspectors, 166 senior patrol inspectors, 504 patrol inspectors, 15 motor mechanics, 22 clerks, 3 laborers, and 2 janitors. During the year last past it operated on an appropriation of $1,600,000. * * *

The outstanding accomplishment of the immigration border patrol for the past year was the apprehension of 25,534 persons of all kinds found engaged in unlawful activities. Of this number, 23,896 were turned over by patrol officers to examiners of the Immigration Service. Out of this total, 18,000 were smuggled aliens and 330 were found to be smugglers of aliens.

Commissioner Hull concludes his annual report with this recommendation:

That Congress sufficiently increase its appropriation to the bureau to make possible stricter enforcement of the immigration laws, inasmuch as in recent years the immigration question has become one of the Nation's greatest problems. The available force is doing wonderful work in the enforcement of the present law, but naturally a larger force would be in a better position to enforce this very popular law.

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Arizona yield to the Senator from Washington?

Mr. HAYDEN. I yield.

Mr. DILL. Will this proposed increase give us more officials on the Canadian border to take care of the large tourist traffic that goes in and out of Canada during the summer months?

Mr. HAYDEN. That is one of the primary purposes of the amendment that I have offered, which not only applies to the Canadian border but to the Mexican border. I may add that at the hearings before the House Committee on Appropriations it was shown by the Assistant Secretary of Labor that the Department of Labor requested an increase of more than $500,000 in this appropriation, which was not allowed by the Bureau of the Budget.

Mr. DILL. The Senator may know that on the Canadian border, particularly on the Pacific coast, in the summer time there are lines of cars for miles, and people are delayed going in or out of Canada, and if one asks the boundary officers the reason for this condition he is told that they have not enough officials. It seems to me that we should provide enough money here to enable the Government to place there a sufficient number of officials to handle those crowds of people.

Mr. KING. We should not have so many thirsty people.

Mr. DILL. The fact remains that we have a great many people who want to cross purely for travel purposes. I think the Government should provide enough men to enable our people who want to go to Canada to get into Canada without being held up for half a day in crossing the line. If there is not enough money appropriated, I think we should appropriate it.

Mr. HAYDEN. In his testimony before the House Committee on Appropriations, Mr. Robert Carl White, the Assistant Secretary of Labor, pointed out facts similar to those stated by the Senator from Washington. His department asked of the Budget an increase of $585,000, which was not allowed. Mr. White further stated that there should be an increase of at least $300,000 in this appropriation. The House did increase the appropriation for the Bureau of Immigration by $50,000. In order to carry out the recommendation made by the Assistant Secretary of Labor, to meet this urgent necessity, I offer the following amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. On page 110, line 14, strike out the figures "$7,965,000" and insert in lieu thereof the figures "$8,215,000," and in line 15 strike out the figures "$1,918,440" and insert in lieu thereof the figures "$2,168,440."

Mr. JONES. Mr. President, very reluctantly I shall have to make a point of order against this amendment as a violation of Rule XVI, that it is not estimated for, and has not been reported from a standing committee.

Mr. DILL. Will my colleague answer a question? Did the Senate committee consider the further needs for employees on the border?

Mr. JONES. I will say to my colleague that no further request was made by the Department of Labor before the committee for any increase. Even now this goes above the Budget estimate as it was submitted to the House, and as there was no request made by the department the committee felt that under all the circumstances we had gone as far as we could.

Mr. DILL. The Senator knows, as everybody else knows, that there is a need for additional employees on the border in the summer months, and it seems to me that even if the department does not make the request, a committee of Congress might well make the necessary additional appropriations.

Mr. JONES. The House committee raised the amount even beyond the Budget estimate, and we felt that inasmuch as the House had raised it beyond the Budget estimate, we could not under the circumstances go further.

The PRESIDING OFFICER. The Chair sustains the point of order.

The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which, by the unanimous-consent agreement of December 20 last, is Calendar 1022, the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. JONES. Mr. President, I think we can conclude the consideration of the appropriation bill in three or four minutes if the Senator from Maine [Mr. HALE] will grant us a little extension of time.

Mr. HALE. Mr. President, if the Senator thinks he can get through with the bill in a very few minutes, I am willing to accede to his request.

Mr. JONES. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside. The Chair recognizes the Senator from Ohio.

Mr. FESS. Mr. President, I desire to offer an amendment to increase by $30,000 the amount on page 57, in line 6.

The purpose of the amendment is in keeping with the recommendation of the Bureau of Foreign and Domestic Commerce. Ohio is one industrial State that does not have any district office connected with the Bureau of Foreign and Domestic Commerce. In the last year the foreign commerce of that State was $182,000,000. The year before it was $171,000,000, and the year before that it was $152,000,000. There has been a very gradual growth. The State is ninth in manufacturing, and the business activity is very largely due to the fact that there are eight cities of over 100,000 population.

There are five cities of more than 300,000 population. It is a very unusual situation. Notwithstanding that fact, the State, after several appeals, has not been able to have established a district office. We transact our business through Chicago and Washington, D. C. There are over 11,000 manufacturers in the State of Ohio. About 1,400 of them are clients of the two offices mentioned.

The Bureau of Domestic and Foreign Commerce recommended an additional appropriation of $200,000, $100,000 to be applied to the enlargement of old offices and $100,000 to be applied to new offices. The State of Ohio and five other States have been asking for consideration. In my own State we have a greater commerce than the other five combined.

I offer this amendment along the line of the recommendation, not of the Bureau of the Budget, but of the Bureau of Domestic and Foreign Commerce, in the hope that we may have established in that State a district office. The facts would certainly justify it.

In the meantime I ask unanimous consent to submit the figures for insertion in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

DECEMBER 10, 1928.

MY DEAR MR. SMITH: I have received your letter of December 6, expressing your judgment in regard to the importance of the service rendered by the Bureau of Foreign and Domestic Commerce and your suggestion that adequate appropriations be allowed for the same.

I note that you specify two items, one of $30,000 for the support of the active cooperation in Ohio, and another of $10,000 for quarters for the offices of the American commercial attachés in London and Brussels.

In the onset I can assure you that I have sympathy with adequate appropriations for this service and will use my influence for the same. I have repeatedly asked for more direct service for Ohio from the Bureau of Foreign and Domestic Commerce. In fact, I have only recently made the following representations to the Committee on Appropriations:

The Department of Commerce is rendering a wonderful service to American business. District offices have been established at 23 points in the United States. The completed program of the department calls for about 30 offices.

For several years Congress has increased appropriations to provide for the strengthening of the old offices and the establishment of new ones. This year the Bureau of Foreign and Domestic Commerce requested an increase of $200,000, half of which was to be applied to the existing District offices, and the remaining $100,000 for the establishment of five new offices, which would have taken care of Ohio. The Bureau of the Budget has recommended an increase of only $19,120.

Ohio, with her eight cities of over 100,000, as compared to not more than two cities of 100,000 or over in any other State, coupled with the diversified industries in the State, has made a unique situation, which is in a large way responsible for Ohio not being accorded special treatment through the department.

Ohio ranks fifth among the States in the number of manufacturing establishments. It has 11,137 manufacturing establishments. Of these 1,399 are regular clients of the Bureau of Foreign and Domestic Commerce, i. e., about 12½ per cent. These are served from Washington or through the Chicago district office.

Ohio ranks ninth in the list of States in value of its exports for 1927, $186,091,545. It amounted to $171,450,184 in 1926 and $132,597,683 in 1925. This shows a steady gain and an increase of 8 per cent over 1926. The main items making up the total in 1927 were tires, iron and steel, machinery, automobiles, tools, toys, milk and cream, wheat flour, electrical equipment, clay products, and binder twine. Ohio is the only large export and industrial State which does not have a district office.

Since the fiscal year ending June 30, 1922, there has been an increase of 548 per cent in the number of requests for information and assistance rendered by the Bureau of Foreign and Domestic Commerce and its district offices. The total export trade of the United States has increased from $2,434,851,000 in 1914 to $5,056,085,000 in 1927, an increase of 107 per cent.

Ohio has practically as many manufacturing establishments as the other five States combined seeking district offices.

Hearings on the appropriation bill for State, Justice, Commerce, and Labor have just been concluded.

Yours very truly,

SIMEON D. FESS.

President ALLARD SMITH,
Cleveland Chamber of Commerce, Cleveland, Ohio.

Mr. FESS. I hope the Senator from Washington will accept the amendment.

Mr. JONES. Mr. President, I sympathize with the proposal of the Senator from Ohio. There is need of appropriations of this kind in many instances. We have been increasing appropriations practically every year and we will probably take care of this situation in the near future. We can not take care of everything in one year. I make the point of order that this is not recommended by the Bureau of the Budget, it is not reported by a committee, and is an amendment increasing an amount already in the bill.

Mr. FESS. Mr. President, I would like to ask the Senator a question. I have not examined as to whether the amendment is subject to a point of order or not. I do know that the Budget did make the recommendation of an increase and that the increase was about $19,000.

Mr. JONES. But the provision in the bill as coming from the House exceeded even the Budget estimate, so there is no Budget estimate for the amount the Senator proposes.

Mr. FESS. Does the Senator mean that an item which has been submitted by the Budget can not be increased by amendment on the floor?

Mr. JONES. Not under the rule.

Mr. FESS. I take exception to that statement.

Mr. JONES. Rule XVI reads as follows:

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

So that it is not covered by either of the provisions of the rule.

Mr. FESS. I submit to that last statement, namely, that it would have to be recommended by a standing committee. Otherwise the Budget would put us in a very serious situation as a legislative body.

The PRESIDING OFFICER. The point of order is well taken. The bill is still as in Committee of the Whole and subject to amendment. If there be no further amendments the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which had been reported from the Committee on Naval Affairs with an amendment.

Mr. HALE obtained the floor.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McKellar	Shortridge
Bayard	George	McLean	Smoot
Bingham	Gerry	McMaster	Steck
Blaine	Glass	McNary	Steiwer
Blease	Glenn	Mayfield	Stephens
Borah	Goff	Neely	Swanson
Brookhart	Gould	Norbeck	Thomas, Idaho
Broussard	Greene	Norris	Thomas, Okla.
Bruce	Hale	Nye	Tydings
Burton	Harris	Overman	Vandenberg
Capper	Hastings	Pine	Wagner
Caraway	Hawes	Ransdell	Walsh, Mass.
Couzens	Hayden	Reed, Mo.	Walsh, Mont.
Curtis	Heflin	Reed, Pa.	Warren
Dale	Johnson	Robinson, Ark.	Waterman
Deneen	Jones	Robinson, Ind.	Watson
Dill	Kendrick	Sackett	Wheeler
Edge	Keyes	Schall	
Fess	King	Sheppard	

Mr. WAGNER. I desire to announce that my colleague the senior Senator from New York [Mr. COPELAND] is compelled to be absent to-day because of illness in his family. I ask that this announcement may stand for the day.

Mr. McKELLAR. I wish to announce that my colleague the junior Senator from Tennessee [Mr. TYSON] is unavoidably detained by illness in his family. I will let this announcement stand for the day.

Mr. FLETCHER. I desire to announce that my colleague the junior Senator from Florida [Mr. TRAMMELL] is unavoidably detained. I will let this announcement stand for the day.

Mr. GERRY. I desire to announce the unavoidable absence of the junior Senator from New Jersey [Mr. EDWARDS].

Mr. HEFLIN. My colleague the junior Senator from Alabama [Mr. BLACK] is absent owing to illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present. The Senator from Maine will proceed.

Mr. KING. Mr. President, will the Senator from Maine yield for a question?

Mr. HALE. I yield.

Mr. KING. As I understand, the Senator from Maine intends to submit some remarks in regard to the cruiser bill and at the expiration of his remarks a motion will be made to proceed to the consideration of the treaty?

Mr. HALE. That is my understanding.

Mr. JOHNSON. Mr. President, may I inquire whether this is an agreement among our leaders that we shall proceed immediately to listen to an exposition upon the naval cruiser bill, and that then the cruiser bill shall be laid aside indefinitely, and that the treaty will be taken up?

Mr. HALE. I do not think so. I want to set forth the need for these cruisers before the peace pact comes up. When I shall have concluded my remarks I understand that the Senator from Idaho [Mr. BORAH] is to move that we go into open executive session. I shall vote in favor of his motion.

Mr. JOHNSON. Then it is agreed?

Mr. HALE. It is agreed so far as I am concerned. I am willing that the treaty shall come up this afternoon as soon as I finish my speech.

Mr. JOHNSON. Has the Senator considered whether or not that bids the cruiser bill good-bye?

Mr. HALE. I do not think it does. I think on the contrary it will help the passage of the cruiser bill.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. HALE. I yield to the Senator from Missouri.

Mr. REED of Missouri. May I inquire whether it is the purpose of the Senator in charge of the cruiser bill, as soon as he has made his speech, to practically lay the cruiser bill aside until we have disposed of the treaty?

Mr. HALE. I have not made any such agreement.

Mr. REED of Missouri. Is that what the Senator intends to do? Does he intend to keep his bill before the Senate and fight his battle on that bill?

Mr. BORAH. Mr. President, it is my purpose at the close of the remarks of the Senator from Maine to move to proceed to the consideration of the peace treaty in open executive session. That is the extent of the agreement. I notified the Senator from Maine that I should take that procedure and that I hoped it would not be disagreeable to him. That is the extent of the agreement.

Mr. REED of Missouri. I understand the Senator's statement, but that is not my question. I want to know—and I think the Senate is entitled to know—what is the purpose of the Senator in charge of the cruiser bill, after he has made his speech, and after the Senator from Idaho has moved to take up the peace treaty in open executive session. Does the Senator in charge of the cruiser bill intend, after the treaty shall have been considered a short time, to again press for consideration of the cruiser bill, or does he intend to allow the cruiser bill practically to lie in abeyance until we shall have concluded the consideration of the treaty?

Mr. HALE. I think that, Mr. President, is a matter which we shall have to consider when we come to it. I am very anxious to have the cruiser bill passed. If the Kellogg peace pact can be ratified within a reasonable time, I shall be willing that its proponents shall go ahead with it. As I have stated, I am in favor of the treaty. If I find, however, that the treaty is not going to be ratified within a reasonable time, I shall feel free to ask that the cruiser bill be taken up, and, in all probability, I shall do so.

Mr. REED of Missouri. That is tantamount to the statement, then, that the Senator from Maine means, as soon as he shall have concluded his speech, to give way to the peace treaty and let it have the right of way?

Mr. HALE. For a certain time.

Mr. REED of Missouri. Yes.

Mr. HALE. And I have no more idea than has the Senator from Missouri for how long a time.

Mr. REED of Missouri. No. In plain, blunt speech, the cruiser bill is by the chairman of the committee laid aside for the treaty?

Mr. HALE. Temporarily.

Mr. REED of Missouri. And the temporary part of it will depend upon the patience of the Senate and the reinspiration of the Senator in charge of the cruiser bill.

Mr. HALE. Mr. President, on May 18, while the naval construction bill was on the calendar of the Senate, but not before the Senate for action, I made a speech on the floor explaining the purposes of the bill. My remarks were somewhat technical and many figures were used by me. Much of the historical data, the technical statements and figures used in that speech, I shall reiterate to-day, and I shall ask Senators to allow me to proceed with the course of my remarks without interruption.

Mr. President, to understand clearly the present naval situation and the purposes of the naval construction bill which is before the Senate, it will be necessary to go back a number of years into naval history.

In August, 1916, the so-called 1916 building program was authorized by act of Congress. This program provided for the construction of 157 new ships of various types, including a number of very large and very powerful battleships and battle cruisers.

Most of the ships in the building program, including all of the battleships and battle cruisers, had been laid down and were in process of construction when President Harding took his seat in the White House in March, 1921.

At that time we had on the ways 9 battleships, 3 of them of a tonnage of 32,600 tons each, 6 of a tonnage of 43,200 tons each, and 6 battle cruisers of a tonnage of 43,500 tons each. The battleships, when work was shortly thereafter stopped upon them, were in a stage of completion averaging 43 per cent, and the battle cruisers 16 per cent.

Mr. President, had all of these ships been completed and had they been added to our naval forces, and had a sufficient number of cruisers, submarines, aircraft carriers, and other auxiliary ships been laid down properly to round out the Navy, we would have had a Navy powerful enough in all probability to withstand all of the navies of the world now in existence combined.

This would have guaranteed to us absolute protection from any attack by sea.

After the Great War a feeling arose in this country and throughout the civilized world that naval armament should be reduced and that the various peoples of the world should be relieved of the burdens of taxation necessary to maintain and keep up the great armaments then existing and planned for, and, above all, as far as possible that competition in naval armament should be stopped.

To carry into effect such a plan for the limitation of armament the Washington Conference for the Limitation of Armament was called by President Harding in November, 1921.

With our tremendous shipbuilding program on the ways, which no other country could reasonably hope to equal, we were in a position to bring about an agreement among the five greater naval powers of the world—Great Britain, Japan, France, Italy, and ourselves—for such a limitation, and we did bring about,

Mr. President, such a limitation of naval armament, so far as capital ships and aircraft carriers were concerned, by agreeing to scrap all of our battleships building, with the exception of two of 32,600 tons each, and all of our battle cruisers building, with the exception of two, which were to be turned into aircraft carriers, making a total of 465,800 tons of new construction that was scrapped, on which $150,000,000 had already been spent.

In addition to this we agreed to scrap a number of older battleships, as did two of the other four nations parties to the treaty—Great Britain and Japan—which battleships could have been kept up only at great expense, and most of them would in all probability have been scrapped had there been no conference on limitation of naval armament.

The other nations parties to the conference agreed to scrap no ships that were in process of construction, with the exception of Japan, and nearly all of her building program was on paper.

In exchange for giving up this great naval supremacy of ours we secured a basis of limitation on capital ships and carriers of 5 to 5, or an equality with Great Britain; 5 to 3 with Japan; and 5 to 1.67 with France and Italy on capital ships and 5 to 2.22 on carriers.

The sacrifice in reaching this ratio was almost altogether on our part. At the same time the representatives of the United States made a strong attempt to have the same ratio apply to other combatant vessels, including cruisers, destroyers, and submarines, but the attempt was a failure and no agreement other than the agreement on capital ships and aircraft carriers was reached.

When in a conference called on our own initiative we showed ourselves ready to sacrifice our naval supremacy, the surprised world was only too glad to accept our terms for a limitation in these classes of ships, and to that extent the conference was a success. The pity is that with this immense leverage we could not have fixed the ratio limit on all classes of combatant ships. It is true that we tried our best to do so, and at one time it looked as though we were in a fair way to succeed. But we did not succeed, and hence our troubles of to-day.

One thing the Washington conference did for us—it served as a notification to the rest of the world that the 5-5-3 ratio was the basis upon which the United States proposed to keep up its Navy. Secretary Hughes, who presided over our delegation at the conference, stated clearly the position of our country in referring to the celebration of Navy Day on October 26, 1922, when he said:

> This Government has taken the lead in securing the reduction of naval armament, but the Navy that we retain under the agreement should be maintained with efficient personnel and pride in the service. It is essential that we should maintain the relative naval strength of the United States. That in my judgment is the way to peace and security. It will be upon that basis that we would enter in future conferences or make agreements for limitation, and it would be folly to undermine our position.

I firmly believe that the position taken by him expresses the will of the American people.

During the summer of 1927, Mr. President, at the instigation of the President of the United States, and to follow up the attempt made by our representatives at the Washington conference, a conference was held at Geneva to consider a limitation of armament of ships other than capital ships and carriers. France and Italy refused to take part in the conference other than to send observers, and the conference was thereby limited to Great Britain, Japan, and the United States.

The delegates of this country went to the conference with the honest intention of securing a limitation of armament in the classes of ships indicated. They were ready and willing to accept a tonnage figure on these classes of ships—cruisers, destroyers, and submarines—below the actual naval needs of the country as recommended to Congress by the Navy Department, provided the limitation could be made on the same basis as the capital-ship ratio.

The American proposal at the conference was 250,000 to 300,000 tons of cruisers for Great Britain and the United States and 150,000 to 180,000 for Japan. As we have but 155,000 tons of first-line cruisers built, building, or appropriated for, the lower figure would have had involved the building of nearly 100,000 tons of new cruisers.

As the British have built, building, or appropriated for 397,140 tons of first-line cruisers to come down to this lower figure they would have had to scrap about 147,000 tons of their present cruisers. The Japanese, with 213,955 tons of first-line cruisers built, building, or appropriated for, to come within the ratio would have had to scrap about 64,000 tons of their present cruiser force.

The first proposal of the British at the conference allowed for approximately 600,000 tons of cruisers. Her later proposals reduced this tonnage but did not come near meeting the offer of the United States, and all British offers included two classes of ships with a limitation on the 8-inch gun cruisers. The United States stated that it would consider no offer over 400,000 tons.

The representatives of Japan were at all times in favor of a low figure for a limitation.

The American demand was for a limitation of total tonnage in cruisers with permission to build cruisers of any size within the limitation up to the 10,000 standard tons of the treaty cruiser. The British contention was that on account of the number and length of their sea communications they needed a great number of smaller cruisers and that therefore the number of 10,000-ton treaty cruisers should be limited.

They insisted that their naval needs required 70 to 75 cruisers, and sought to limit the construction of cruisers to two classes, those of 10,000 tons, carrying 8-inch guns, and those of 7,500 tons and under, with a limit of 6-inch guns, which proposal was later changed to 6,000-ton cruisers with 6-inch guns.

Their original proposal was for fifteen 10,000-ton cruisers, which in one of their later offers was modified to 12.

The position of the United States that a limitation be placed on the total tonnage, with permission to build ships of any size within that limitation up to the treaty limit of 10,000 tons, was maintained throughout the conference by the American delegates, because on account of our almost entire lack of naval bases and the fact that our operations away from the fleet would necessarily be carried on overseas and in proximity to hostile bases, we need the maximum cruising radius and maximum protection in armament, so that it is imperative that we build almost exclusively ships of the larger type. The smaller type of ship with a lesser cruising radius would be of little value to the United States, and necessarily we would not feel justified in building such ships.

Another great advantage to the British in keeping down the number of the larger class of cruiser is their great merchant marine, many of whose ships are so constructed as to enable them to mount 6-inch guns. As they have 227 vessels in their merchant marine of 4,000 tons and over, of an aggregate tonnage of 2,937,300, and 15 knots speed and over, capable of carrying 6-inch guns, and in our own merchant marine we have but 70 vessels of a similar character, with an aggregate tonnage of 757,858, it will be readily seen that to cut out altogether the larger type of cruiser or to limit it to a small number of ships would at once greatly enhance the military value of their great merchant marine.

The reasons why the British can successfully use small cruisers whereas we can successfully use large cruisers only are apparent when we consider the question of the British naval bases.

I have had a map prepared by the Navy Department showing the British, Japanese, and American naval stations and bases and their position with relation to our own trade routes, and I ask that it be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

[The map referred to will be found on pages 1054 and 1055.]

Mr. HALE. I may add that there is a copy of the map on the wall at the rear of the Senate Chamber.

From this map it will be seen that the British naval stations and bases to all intents and purposes command our foreign and much of our coastwise commerce. Situated as they are it is apparent that British vessels of limited cruising radius will find at all times available fuel and repair facilities anywhere, with slight exceptions, along our trade routes.

The United States, on the other hand, has very few naval stations away from this continent. Our only naval stations outside of home waters are those located at Guantanamo, the Virgin Islands, Panama, Pearl Harbor, Guam, Samoa, and Cavite. The stations at Guantanamo, the Virgin Islands, and Panama to a limited extent protect our trade routes to South America, though the first two stations are small stations which have not been extensively developed, and the four stations in the Pacific Ocean—Pearl Harbor, Guam, Samoa, and Cavite—to a very limited extent protect our trade routes to Australia and to and along the eastern coast of Asia.

Excluding Pearl Harbor, which is our principal naval base in the Pacific Ocean, the other three stations may not, under treaty agreement, be developed beyond their present capacity, and they are in no respect modern, up-to-date, naval stations.

We have no naval stations in European or African waters, nor any in the Indian Ocean.

The British naval stations at Gibraltar and Malta and the home stations on the British Islands are so located that they command the principal water trade routes of Europe. The two stations at Gibraltar and Malta and the stations at Port Said, Aden, Port Louis, Simonstown, and Freetown command the

entire ocean traffic of Africa. The stations at Aden, Bombay, Trincomalee, Colombo, Rangoon, and Singapore command the entire Indian Ocean trade routes, and the stations at Singapore, Hong Kong, King George Sound, Sydney, and Auckland command the water trade routes of Australia, the islands of the southern Pacific, and the east coast of Asia as far north as Japan.

As to South America the British have a defended station at Kingston, an anchorage station at Port Castries, and a fuel station at Port Stanley, on the extreme southeastern coast of South America. They have nothing along the west coast of South America.

On our own continent the British have a defended naval base at Esquimalt, near Vancouver, on the west coast, and strong stations on the east coast at Halifax and Bermuda. These two latter stations, together with the station at Kingston, command our entire east coast traffic.

The British bases and stations are very few of them of recent acquirement.

Great Britain has from time immemorial had a very considerable ocean traffic, and she is fortunate in having naval stations so located that she can watch over that traffic and see that it is protected at all times. By the same token, these naval stations give her a strangle hold on the commerce of every other nation in the world. Her position in regard to naval stations is unique among the nations.

Japan has no naval stations outside of her own waters except the station at Futami Ko in the Bonin Islands, the station of Amami-O-Shima just south of the Island of Japan, the station at Bako in the Formosa Straits, near the British station at Hong Kong, and a defended destroyer station at Port Arthur.

The French have a number of outlying stations in the Mediterranean, and small stations in Senegal, Madagascar, and Indo-China. The Italians have no outlying stations.

Our own overseas merchant marine, which was at one time the greatest in the world, has now dwindled to about one-half of that of Great Britain, and a considerable proportion of that half is not in operation. Our overseas trade, however, is as great as that of Great Britain, and amounts to $9,000,000,000 in round numbers, and, though due to our lack of merchant ships, about two-thirds of it is being carried in foreign bottoms we are now in a fair way, through the passage of the White-Jones merchant marine bill last winter, to build up our own merchant marine and ultimately to carry in our own bottoms our proper proportion of our own ocean trade. Our policy has been, and is now, to acquire as few outlying possessions as possible. Being almost devoid of overseas naval stations, we must in some way be able to guarantee from undue interference our ocean-going traffic. To shut off or cripple our foreign commerce would bring an immediate end to American prosperity.

The one insurmountable bar to reaching an agreement at the Geneva conference for a proportionate reduction in naval armament was the divergent naval needs of this country and Great Britain in regard to cruisers. Her present cruiser force, with her naval stations which everywhere command the commerce of the world, give her the control of the seas.

If we are to keep up our foreign trade and build up our ocean commerce we must see to it that that ocean commerce is guaranteed protection in peace and in war, without which it is at the mercy of another and competing country, and however friendly our relations with that competing country may be, such a position is not to be tolerated.

Supremacy of the seas we do not seek, but the rights of our commerce when we and the rest of the world are at peace, when we are neutral and other countries are at war, and when we are ourselves belligerents, we must insist upon.

I do not need at this time to go into the complicated question of rights of neutrals in time of war. Suffice it to say that naval history shows that the safeguarding of those rights has proved to be almost entirely dependent upon the strength of the neutral country to enforce its claims.

In times of peace, of course, vessels of war may on notification enter any open port in the world, stay as long as they see fit to do so, replenish their supplies, and undergo repairs if necessary.

The vessels of war of a country, however, that is at war may enter a neutral port and remain in the neutral port but 24 hours for revictualing and refueling, and a very short time for absolutely necessary repairs, and may take on board only sufficient fuel to carry them to the next port of their own country. They must then leave the neutral port and risk meeting an enemy squadron lying in wait or be interned in the neutral port until the war is over.

The protection of our commerce devolves naturally in large part on our cruisers.

For the reasons above given it will be readily seen that it is of the utmost importance that these cruisers have a wide cruising radius, so that they may not only spend as much time as possible upon their stations but at all times have enough fuel on board to reach their home ports. The bigger the cruiser naturally the greater its capacity for carrying fuel, and it is all important to us to construct for our cruiser service the largest type of cruiser available under the terms of the Washington conference.

It is also highly important for us when we send out cruisers to protect our interests in foreign waters away from fueling and repair stations that they be not only self-sustaining but able to look after themselves against any probable enemy that they may encounter.

The 8-inch gun treaty cruiser has nothing to fear from any other type of surface craft excepting the battleship, the battle cruiser, and the aircraft carrier, and with her great speed she can keep out of the way of these more powerful vessels, though with the planes of the carrier she will have to take her chances.

Smaller types of cruisers with a lesser cruising radius and lesser armament would be of proportionately less value to us, and it would seem that there would be little or no justification for our building such ships in the future.

The British, on the other hand, with their great string of naval stations and their adequate facilities for fueling and repair all over the world, naturally favor the building of smaller and less expensive types of ships, of which for the same appropriation they can secure more separate units.

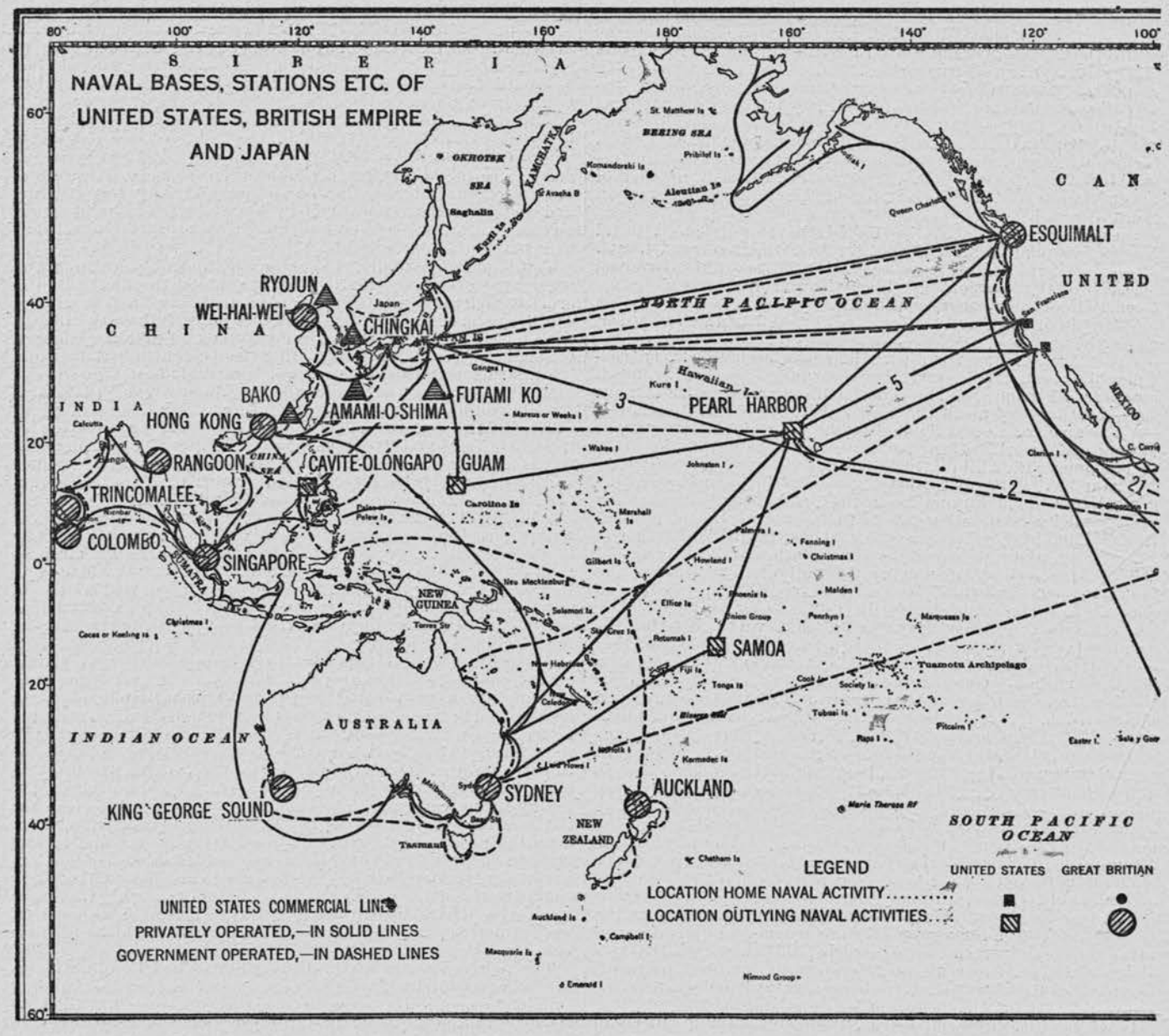
While it is perfectly true that the naval needs of Great Britain are not necessarily based on the possibility of any hostilities with us, yet the fact remains that she is far stronger than we are at the present time in a very crucial type of ship and that if she builds up to her expressed naval needs and we do not she will be in a still stronger position. We shall have lost that position of equality which was the whole basis for the ratio of the Washington conference.

There are people in this country who believe that we should never consent to any agreement that would deny us the right to maintain a navy equal to that of Great Britain, and yet hold that it is not necessary for us to exercise fully our rights under such an agreement. It is true that there is nothing in the agreement of the Washington conference that obligates us in capital ships and carriers to keep our Navy up to the ratio basis, nor would there be in all probability any such obligation in any future conference agreements, yet if we do not do so for any reason we would necessarily be left in a secondary position until the deficiency in strength should be made up, and at any given time that would involve, with the intricacies of modern naval construction, a delay of several years before the Navy could be brought up to its permitted strength. Obviously in case of a sudden call for our Navy such an agreement, if we did not exercise fully our right under it, would be of little value to us.

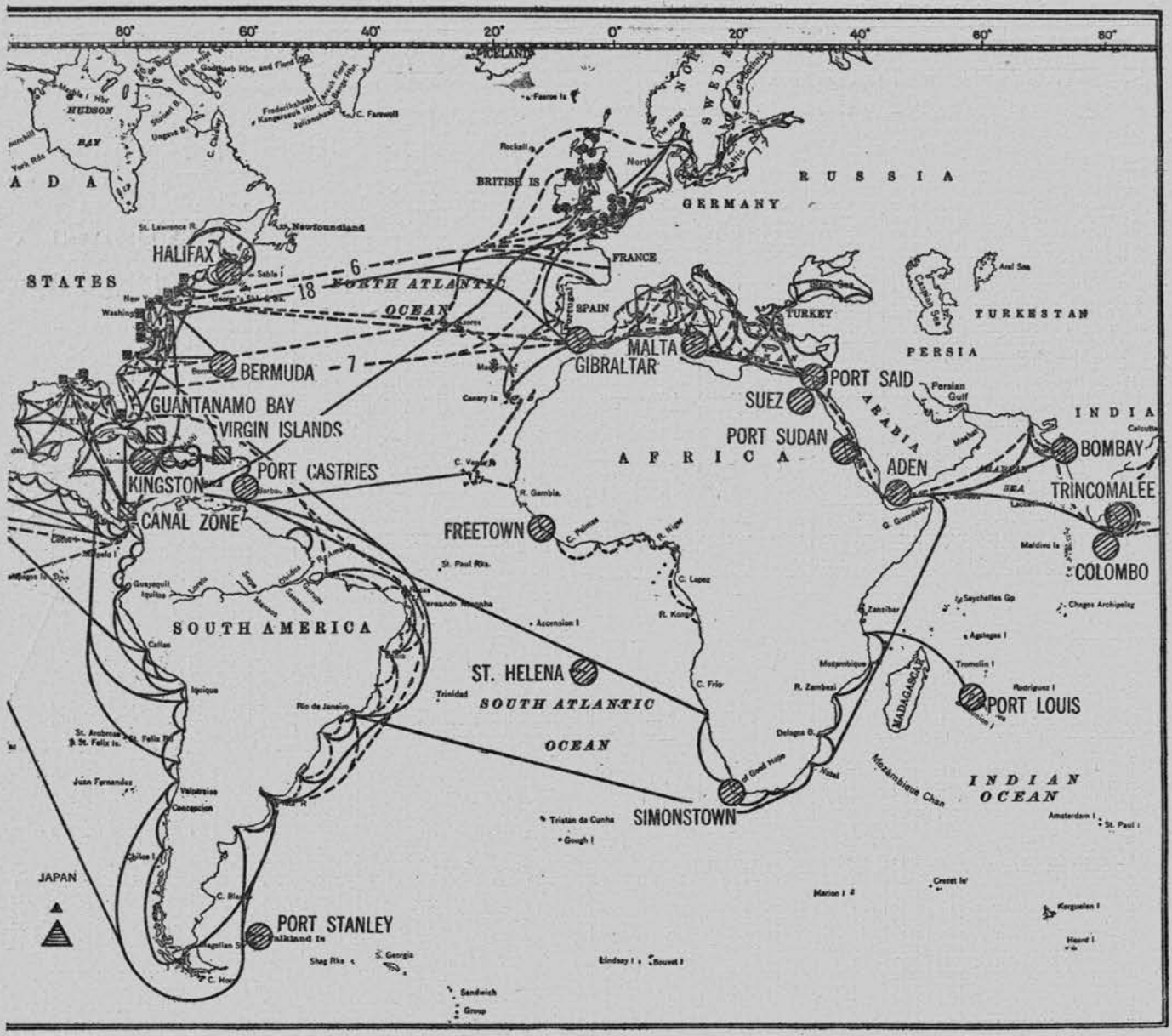
The representatives of the United States had no objection to the other countries party to the Geneva conference building smaller vessels if they saw fit to do so, but were unwilling to bind the United States to an agreement that would force her, in order to maintain her position of equality, to build ships for which she had no use.

This failure to reach an agreement on types of cruiser and on the total tonnage of cruisers to be allowed caused the conference to break up without reaching an agreement. Tentative agreements could have been reached and practically were reached in regard to submarines and destroyers, including destroyer leaders, but as the main proposition—the cruiser proposition—failed, no final agreement was reached in respect to any class of ship in the conference.

We went into this Geneva conference in an honest attempt to bring about a further limitation of armament. We figured that in the Washington conference almost the entire sacrifice had been made by ourselves. In the Geneva conference we hoped that Great Britain, which was in much the same position in regard to cruisers at that time that we occupied in regard to capital ships at the time of the Washington conference, would sacrifice her cruiser superiority as we had sacrificed our capital-ship superiority, but we hoped in vain. The shoe was now very much on the other foot. We were not at this second conference in the lordly position that we occupied at the first one. We had no great partially completed program that we were willing to sacrifice in the interests of world economy. We were asking another country to assume that rôle and the other country did not feel that it could assume it, so the conference failed, as all such conferences in the future will fail unless the nation which has come to the top is willing to give up that advantage for some reason which to it seems justifiable.



OUTLYING NAVAL BASES, STATIONS, AND ANCHORAGES	
UNITED STATES	BRITISH EMPIRE
Pearl Harbor; Fuel oil, Drydock, Defended. Canal Zone; Fuel oil, Drydock, Defended. Cavite-Olongapo; Fuel oil, Drydock, Defended. Guam; Fuel oil, Defended. Guantanamo; Fuel oil. Virgin Islands; Fuel oil. Samoa; Anchorage.	Gibraltar; Fuel oil, Drydocks, Defended. Malta; Fuel oil, Drydocks, Defended. Hongkong; Fuel oil, Drydocks, Defended. Singapore; Fuel oil, Drydocks, Defended. Simonstown; Fuel oil, Drydock, Defended. Bombay; Fuel oil, Drydocks, Defended. Halifax; Fuel oil, Drydock, Defended. Bermuda; Fuel oil, Drydock, Defended. Auckland; Fuel oil, Drydock, Defended. Sydney; Fuel oil, Drydock, Defended. Esquimault; Fuel oil, Drydock, Defended. Colombo; Fuel oil, Drydock, Defended. Port Louis; Drydock, Defended. Port Said; Fuel oil, Drydock. Freetown; Fuel oil, Defended. Kingston; Fuel oil, Defended.



OF THE UNITED STATES, BRITISH EMPIRE, AND JAPAN	
BRITISH EMPIRE (continued)	**JAPAN**
Trincomalee; Fuel oil. Rangoon; Fuel oil. Port Sudan; Fuel oil. Aden; Fuel oil. Port Stanley; Fuel oil. Port Castries; Anchorage. Wei-hai-wei; Anchorage. St. Helena; Anchorage. King George Sound; Anchorage.	Bako; Fuel oil, Drydock, Defended. Ryojun; Fuel oil, Drydock, Defended. Amami-o-shima; Defended. Chinkai; Fuel oil, Drydock, Defended. Futamiko; Defended.

Cruisers, first line (under effective age of 20 years)

UNITED STATES

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
Built:							
1. Omaha	1918	1923	7,500	34.9	12–6″	4–3″	6
2. Milwaukee	1918	1923	7,500	34.6	12–6″	4–3″	6
3. Cincinnati	1920	1923	7,500	34.4	12–6″	4–3″	6
4. Detroit	1920	1923	7,500	34.6	12–6″	4–3″	6
5. Richmond	1920	1923	7,500	34.2	12–6″	4–3″	6
6. Concord	1920	1923	7,500	33.5	12–6″	4–3″	6
7. Raleigh	1920	1924	7,500	34.6	12–6″	4–3″	6
8. Trenton	1920	1924	7,500	33.7	12–6″	4–3″	6
9. Marblehead	1920	1924	7,500	33.7	12–6″	4–3″	6
10. Memphis	1920	1925	7,500	33.7	12–6″	4–3″	6
Total built (10)			75,000				
Building:							
1. Pensacola	1926		10,000	32.5	10–8″	4–5″	6
2. Salt Lake City	1927		10,000	32.5	10–8″	4–5″	6
3. Northampton	1928		10,000	32.7	9–8″	4–5″	6
4. Chester	1928		10,000	32.7	9–8″	4–5″	6
5. CL 28	1928		10,000	32.7	9–8″	4–5″	6
6. Chicago	1928		10,000	32.7	9–8″	4–5″	6
7. Houston	1928		10,000	32.7	9–8″	4–5″	6
8. Augusta	1928		10,000	32.7	9–8″	4–5″	6
Total building (8)			80,000				
Appropriated for, none							
Grand total built, building, and appropriated for (18)			155,000				

JAPAN

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
Built:							
1. Furutaka	1922	1926	7,100	33	6–8″	4–3″	12
2. Kako	1922	1926	7,100	33	6–8″	4–3″	12
3. Aoba	1924	1927	7,100	33	6–8″	4–4.7″	12
4. Kinugasa	1924	1927	7,100	33	6–8″	4–4.7″	12
5. Nachi	1924	1928	10,000	33	10–8″	4–4.7″	12
1. Tone	1905	1910	4,100	23	{2–6″ / 10–4.7″}	2–3″	3
2. Chikuma	1910	1912	4,950	26	8–6″	4–3″	3
3. Hirato	1910	1912	4,950	26	8–6″	4–3″	3
4. Yahagi	1910	1912	4,950	26	8–6″	4–3″	3
5. Tatsuta	1917	1919	3,500	31	4–5.5″	1–3″	6
6. Tenryu	1917	1919	3,500	31	4–5.5″	1–3″	6
7. Kuma	1918	1920	5,500	33	7–5.5″	2–3″	8
8. Tama	1918	1921	5,500	33	7–5.5″	2–3″	8
9. Kitagami	1919	1921	5,500	33	7–5.5″	2–3″	8
10. Kiso	1919	1921	5,500	33	7–5.5″	2–3″	8
11. Oi	1919	1921	5,500	33	7–5.5″	2–3″	8
12. Nagara	1920	1922	5,570	33	7–5.5″	3–3″	8
13. Natori	1920	1922	5,570	33	7–5.5″	3–3″	8
14. Kinu	1921	1922	5,570	33	7–5.5″	3–3″	8
15. Isuzu	1920	1923	5,570	33	7–5.5″	3–3″	8
16. Yura	1921	1923	5,570	33	7–5.5″	3–3″	8
17. Yubari	1922	1923	3,100	33	6–5.5″	2–3″	4
18. Sendai	1922	1924	5,195	33	7–5.5″	3–3″	8
19. Abukuma	1921	1925	5,570	33	7–5.5″	3–3″	8
20. Jintsu	1922	1925	5,195	33	7–5.5″	3–3″	8
21. Naka	1924	1925	5,195	33	7–5.5″	3–3″	8
Total built (26)			143,955				
Building:							
1. Myoko	1924		10,000	33	10–8″	4–4.7″	12
2. Haguro	1925		10,000	33	10–8″	4–4.7″	12
3. Ashigara	1925		10,000	33	10–8″	4–4.7″	12
4. Atago	1927		10,000	33	10–8″	4–4.7″	12
6. Takao	1927		10,000	33	10–8″	4–4.7″	12
6. Chokai	1928		10,000	33	10–8″	4–4.7″	12
Total building (6)			60,000				
Appropriated for (1): Maya			10,000				
Grand total built, building, and appropriated for (33)			213,955				

BRITISH EMPIRE

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
Built:							
1. Vindictive	1916	1918	9,750	30	6–7.5″	3–4″	6
2. Hawkins	1916	1919	9,750	30	7–7.5″	4–4″	6
3. Frobisher	1916	1924	9,750	30.5	7–7.5″	3–4″	6
4. Effingham	1917	1925	9,770	30.5	7–7.5″	3–4″	5
5. Berwick	1924	1928	10,000	31.5	8–8″	4–4″	8
6. Cornwall	1924	1928	10,000	31.5	8–8″	4–4″	8
7. Cumberland	1924	1928	10,000	31.5	8–8″	4–4″	8
8. Australia	1925	1928	10,000	31.5	8–8″	4–4″	8
9. Canberra	1925	1928	10,000	31.5	8–8″	4–4″	8
10. Kent	1924	1928	10,000	31.5	8–8″	4–4″	8
11. Suffolk	1924	1928	10,000	31.5	8–8″	4–4″	8
1. Dartmouth	1910	1911	5,250	25	8–6″	1–3″	2
2. Yarmouth [1]	1910	1912	5,250	25	8–6″	1–3″	2
3. Sydney	1911	1913	5,400	25.5	8–6″	1–3″	2
4. Melbourne [1]	1911	1913	5,400	25.5	8–6″	1–3″	2
5. Lowestoft	1912	1914	5,440	25.5	9–6″	1–3″	2
6. Birmingham	1912	1914	5,440	25.5	9–6″	1–3″	2
7. Comus	1913	1915	3,750	29	4–6″	2–3″	4
8. Conquest	1914	1915	3,750	29	3–6″	2–3″	4
9. Carysfort	1914	1915	3,750	29	4–6″	2–3″	4
10. Cleopatra	1914	1915	3,750	29	4–6″	2–3″	4
11. Calliope	1914	1915	3,750	29	4–6″	2–3″	2
12. Champion	1914	1915	3,750	29	4–6″	1–3″	6
13. Castor	1914	1915	3,750	29	4–6″	2–3″	2
14. Brisbane	1913	1916	5,400	25.5	8–6″	1–3″	2
15. Cambrian	1914	1916	3,750	29	4–6″	2–3″	2
16. Canterbury	1914	1916	3,750	29	4–6″	2–3″	2
17. Constance	1915	1916	3,750	29	4–6″	2–3″	2
18. Centaur	1915	1916	3,750	29	4–6″	2–3″	2
19. Concord	1915	1916	3,750	29	5–6″	2–3″	2
20. Caradoc	1916	1917	4,120	29	5–6″	2–3″	8
21. Calypso	1916	1917	4,120	29	5–6″	2–3″	8
22. Caledon	1916	1917	4,120	29	5–6″	2–3″	8
23. Cardiff	1916	1917	4,190	29	5–6″	2–3″	8
24. Curlew	1916	1917	4,190	29	5–6″	2–3″	8
25. Ceres	1916	1917	4,190	29	5–6″	2–3″	8
26. Coventry	1916	1918	4,190	29	5–6″	2–3″	8
27. Curacoa	1916	1918	4,190	29	5–6″	2–3″	8
28. Danae	1916	1918	4,650	29	6–6″	3–4″	12
29. Carlisle	1917	1918	4,190	29	5–6″	2–3″	8
30. Dauntless	1917	1918	4,650	29	6–6″	3–4″	12
31. Dragon	1917	1918	4,650	29	6–6″	3–4″	12
32. Cairo	1917	1919	4,190	29	5–6″	2–3″	8
33. Calcutta	1917	1919	4,190	29	5–6″	2–3″	8
34. Colombo	1917	1919	4,190	29	5–6″	2–3″	8
35. Dunedin	1917	1919	4,650	29	6–6″	3–4″	12
36. Delhi	1917	1919	4,650	29	6–6″	3–4″	12
37. Durban	1918	1921	4,650	29	6–6″	3–4″	12
38. Adelaide	1917	1922	5,550	25	9–6″	1–3″	2
39. Capetown	1918	1922	4,190	29	5–6″	2–3″	8
40. Despatch	1918	1922	4,765	29	6–6″	3–4″	12
41. Diomede	1918	1922	4,765	29	6–6″	3–4″	12
42. Emerald	1918	1926	7,550	33	7–6″	3–4″	12
43. Enterprise	1918	1926	7,550	33	7–6″	3–4″	12
Total built (54)			303,940				
Building:							
1. London	1926		10,000	33	8–8″	4–4″	8
2. Devonshire	1926		10,000	33	8–8″	4–4″	8
3. Shropshire	1927		10,000	33	8–8″	4–4″	8
4. Sussex	1927		10,000	33	8–8″	4–4″	8
5. Dorsetshire	1927		10,000		8–8″	4–4″	8
6. Norfolk	1927		10,000		8–8″	4–4″	8
7. York	1927		8,300		6–8″	4–4″	6
8. Exeter	1928		8,300		6–8″	4–4″	6
Total building (8)			76,600				
Appropriated for:							
1			[2] 8,300				
1			[2] 8,300				
Total appropriated for (2)			16,600				
Grand total built, building, and appropriated for (64) [3]			397,140				

[1] On disposal list.
[2] Estimated displacement.
[3] In addition to the above the British Empire has 3 cruisers (26,600 tons estimated) authorized to be laid down in 1929.

Cruisers, first line (under effective age of 20 years)—Continued

FRANCE

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
Built:							
1. Ernest Renan	1903	1909	13,514	24.44	4-7.5"	6-3"	2
2. Edgar Quinet	1905	1910	13,828	23.92	14-7.5"	6-3"	2
3. Waldeck Rousseau	1905	1911	13,829	23.15	14-7.5"	6-3"	2
4. Duquesne	1924	1928	9,941	35.3	8-8"	8-3" / 8-1.5"	6
5. Tourville	1924	1928	9,941	36.15	8-8"	8-3" / 8-1.5"	6
1. Mulhouse [1]	1910	1912	5,118	26	7-5.9"	2-3"	2
2. Thionville [2]	1912	1914	3,396	27	9-3.9"	1-3"	7
3. Strasbourg [2]	1912	1914	5,512	26.1	6-5.9"	2-3"	4
4. Metz [1]	1914	1914	6,102	27	8-5.9"	2-3"	4
5. Lamotte-Picquet	1922	1927	7,234	33	8-6.1"	4-3"	12
6. Duguay-Trouin	1922	1927	7,234	33.6	8-6.1"	4-3"	12
7. Primaguet	1922	1927	7,234	33.06	8-6.1"	4-3"	12
Total built (12)			102,883				
Building:							
1. Suffern [3]	1925		10,000	33	8-8"	8-3"	6
2. Colbert	1926		10,000	33	8-8"	8-3"	6
3. C-2	1928		10,000	33+	8-8"	8-3"	6
Total building (3)			30,000				
Appropriated for: Cruiser school ship "E-1"			6,496	[4] 25-27	8-6.1"	4-3"	6
Grand total built, building, and appropriated for (16)			139,379				

[1] Ex-German.
[2] Ex-Austrian.
[3] On trials. Completed but not accepted officially.
[4] Reported.

ITALY

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
Built:							
1. Pisa	1905	1909	10,433	23.4	4-10"	6-3"	2
2. San Giorgio	1905	1910	10,007	23.2	4-10"	6-3"	2
3. San Marco	1907	1910	10,915	23.7	4-10"	6-3"	2
1. Quarto	1909	1912	3,388	28.6	6-4.7"	2-1.6"	2
2. Taranto	1910	1912	4,837	27.5	7-5.9"	2-3"	2
3. Libia	1911	1913	4,396	22.9	8-4.7"	3-3"	2
4. Brindisi	1911	1914	3,445	27	9-3.9"		2
5. Marsala	1911	1914	3,518	27.3	6-4.7"		2
6. Nino Bixio	1911	1914	3,518	27.3	6-4.7"		2
7. Venezia	1911	1914	3,445	27	9-3.9"		2
8. Ancona	1912	1914	5,216	27.25	7-5.9"	2-3"	4
9. Bari	1913	1915	4,252	27.5	8-5.9"	3-3"	2
Total built (12)			67,370				
Building:							
1. Trieste	1925		10,000	34-36	8-8"	4-4"	4
2. Trento	1925		10,000	34-36	8-8"	4-4"	4
3. Alberto da Giussano	1927		5,000				
4. Alberico di Barbiano	1927		5,000				
5. Bartolomeo Colleoni	1927		5,000				
6. Giov. Dalle Bande Nere	1927		5,000				
Total building (6)			40,000				
Appropriated for:							
Fiume			10,000	35	8-8"	41.6"	4
Zara			10,000	35	8-8"	41.6"	4
Total appropriated for (2)			20,000				
Grand total built, building, and appropriated for (20)			127,370				

Cruisers, second line (i. e., over effective age of 20 years)

UNITED STATES

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
1. Rochester	1890	1893	8,150	21.0	4-8"	2-3"	
2. Olympia	1891	1894	5,865	21.7	10-5"	2-3"	
3. New Orleans	1895		3,430	20.0	8-5"		
4. Albany	1898		3,430	20.0	8-5"	1-3"	
5. Cleveland	1900	1903	3,200	16.4	8-5"	1-3"	
6. Denver	1900	1904	3,200	16.8	8-5"	1-3"	
7. Des Moines	1900	1904	3,200	16.6	8-5"	1-3"	
8. Chattanooga	1900	1905	3,200	16.6	8-5"	1-3"	
9. Frederick	1901	1905	13,680	22.4	4-8"	2-3"	2
10. Galveston	1901	1905	3,200	16.4	8-5"		
11. Huntington	1901	1905	13,680	22.2	4-8"	2-3"	2
12. Pittsburgh	1901	1905	13,680	22.4	4-8"	2-3"	2
13. Pueblo	1901	1905	13,680	22.2	4-8"	2-3"	2
14. Charleston	1902	1905	9,700	22.0	12-6"	2-3"	
15. St. Louis	1902	1906	9,700	22.1	12-6"	2-3"	
16. Seattle	1903	1906	14,500	22.3	4-10"	2-3"	4
17. Huron	1902	1907	13,680	22.2	4-8"	2-3"	2
18. Birmingham	1905	1908	3,750	24.3	4-5"	1-3"	2
19. Charlotte	1905	1908	14,500	21.0	4-10"	2-3"	4
20. York	1905	1908	3,750	26.5	4-5"	1-3"	2
21. Missoula	1905	1908	14,500	22.3	4-10"	2-3"	4
22. Salem	1905	1908	3,750	26.0	4-5"	1-3"	2
Total (22)			179,425				

BRITISH EMPIRE

None.

JAPAN

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
1. Asama	1896	1899	9,885	21.5	4-8"	1-3"	4
2. Yakumo	1898	1900	9,735	20.5	4-8"	1-3"	4
3. Adzuma	1898	1900	9,426	20	4-8"	1-3"	4
4. Izumo	1898	1900	9,826	20.8	4-8"	1-3"	4
5. Iwate	1898	1901	9,826	20.8	4-8"	1-3"	4
6. Manshu		1901	3,916	12	2-3"		
7. Tsushima	1901	1904	3,420	20	6-6"	8-3"	
8. Kasuga	1902	1904	7,700	20	2-8"	1-3"	4
9. Nisshin	1902	1904	7,700	20.4	4-8"	1-3"	4
Total (9)			71,434				

FRANCE

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
1. Jeanne D'Arc	1895	1903	11,126	21.05	2-7.5"	2-3"	2
2. Marseillaise [1]	1899	1903	9,843	21.60	10-6.3"	4-3.9"	
3. Gueydon	1897	1903	9,154	18	9-5.4"	6-3"	
4. Conde	1899	1904	9,843	21.30	2-7.5"		
5. Victor Hugo [1]	1902	1908	12,402	22.43	4-7.5"		2
6. Jules Michelet	1902	1908	12,402	22.86	4-7.5"		2
Total (6)			64,770				

ITALY

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
Ferruccio	1899	1904	7,234	19.3	1-10"		2

[1] Being disarmed to be demolished.

We were able to bring the Washington conference to a more or less successful conclusion because we were on top at that time. Great Britain could have done the same thing at the Geneva conference at the price of sacrificing her cruiser superiority. In the same way France could undoubtedly bring about an agreement for a limitation in land forces if she were disposed to give up her military preeminence; but Spain could not do it, or England, or Italy, or any other country that was unable or unwilling to bring up its military strength to that of France.

I can not see how the American position, which calls for the right to build cruisers of any size and armament up to the treaty limitation, can at any future conference on limitation of armament be modified without giving up all possibility of maintaining a Navy equal to that of any other country in the world.

Any specific limitation on the building of 8-inch gun cruisers, coupled with full permission to build smaller cruisers ad libitum, or coupled with permission to build a given number of smaller cruisers, would limit our Navy to all practical intents and purposes to the 8-inch gun cruisers allowed since we have no practical use, owing to our lack of outside naval bases, for the smaller cruiser, and we would have little excuse for building this class of ship simply for the purpose of keeping up a ton for ton and a gun for gun equality.

The great striking force of the Navy is the Battle Fleet, which is made up not only of battleships but of aircraft carriers, cruisers, destroyers, submarines, and auxiliaries.

The striking unit of the Battle Fleet, in so far as gun power is concerned, is the battleship. Next is the cruiser.

The Battle Fleet is the guardian of the country. Its first duty is to protect our home possessions from enemy attack. It is vitally important that the Battle Fleet should at all times be kept in a condition where it can meet at least on equal terms any opposing battle fleet. Should it be destroyed our coasts and eventually our outlying possessions and our commerce will be at the mercy of the enemy.

While no agreement was reached at the Washington conference limiting the number or aggregate tonnage of vessels of the cruiser class, an agreement was reached that in the future no cruisers should be built of over 10,000 tons' displacement or mounting any guns heavier than 8-inch guns. The reason for the treaty limitation on type of cruiser adopted at the Washington conference was that Great Britain already at that time had built and building four cruisers of approximately 9,750 tons, mounting 7.5-inch guns. The modern tendency is to build cruisers of the treaty tonnage, and all of the nations party to the conference have laid down, built, and are building ships of this class.

The duties of cruisers are when with the fleet to guard the fleet movements as scouts, and to act as a protective screen for the fleet. In fleet action cruisers are necessary to attack on their own part the cruisers of the enemy, to break down destroyer attacks, and to carry in their own destroyer attacks, and to a certain extent they may also be used to augment the fire of the battle line. Without an adequate cruiser force the fleet can not operate effectively and that adequate cruiser force we do not have.

When the fleet is away from its home base, cruisers are needed to guard the lines of communication and to escort convoys. Away from the fleet they are the vessels primarily used to break the enemy's line of communication, to protect our commerce, and to destroy the enemy's commerce.

The treaty cruisers are very fast ships, in some instances reaching a speed of 35 knots. They carry 8-inch guns, which, though they have not the striking power of the heavier guns of the battleships and battle cruisers, have, through elevation of guns, almost the range of the larger guns.

With their great speed the treaty cruiser can keep out of the way of battleships and even battle cruisers and aircraft carriers, which while much faster vessels than battleships do not, except in the case of our own carriers the *Lexington* and *Saratoga*, attain the speed of the treaty cruiser.

And with their 8-inch guns they themselves can destroy all other surface types of naval vessels that come within the range of their guns.

At the close of the World War we found ourselves with a large number of surplus destroyers on hand. These ships had been constructed by us on the suggestion of our allies, the British, to aid in putting down the submarine menace. At that time, as at the present time, we were very greatly lacking in cruisers; but with our surplus destroyer force, to a very considerable extent, we were able to make up for this deficiency by using destroyers for cruiser work. At that time there were no cruisers of the treaty limit in existence; Great Britain had a number of small cruisers of a maximum speed of 29 knots, and Japan had a few small fast cruisers. But the destroyer at that time, with its great speed of 34 to 35 knots, could keep out of the way of these small cruisers and could be effectively used in doing near-by scouting and screening work for the fleet. With the advent of the treaty cruiser and of small cruisers of great speed our superiority in destroyer tonnage becomes no longer the compensatory factor that it was at the end of the war in making up for our lack of cruisers. The destroyer can not do the work of the modern cruiser and her rôle becomes again that for which she was originally intended. The modern cruiser on the contrary becomes of more and more importance as a factor in the fighting strength of the fleet. This has been realized by the naval experts for a number of years, and the importance of the cruiser has been repeatedly stressed to the committees of Congress.

The fact that we have not appropriated for ships of this kind does not indicate that their necessity is not appreciated. It is due almost entirely to the fact that the American people have believed that the necessity for building large numbers of these ships would be obviated by treaty limitation. Trusting that an agreement would be reached we have allowed our Navy to fall lamentably behind hand.

Mr. President, the needs of our Navy for cruisers, as pointed out to Congress by experts in the Navy Department, is for 26 vessels to accompany the United States Fleet, with 2 additional cruisers as destroyer flagships, and 15 for detached service, including protection of our commerce and guarding convoys, making a total of 43 cruisers.

Should we build additional cruisers to bring us up to this number we would then have in treaty cruisers mounting 8-inch guns 33 of a tonnage of 330,000 tons, and 10 smaller cruisers, mounting 6-inch guns, of a tonnage of 75,000 tons; in all, 405,000 tons.

At the present time we have building 8 of the treaty cruisers aggregating 80,000 tons and in commission 10 of the 7,500-ton cruisers, giving us a total first-line cruiser tonnage of 155,000 tons when the 8 now building are completed.

Aside from these 155,000 tons of first-line cruisers we have 22 superannuated cruisers of a tonnage of 179,425, the most modern of which was completed in 1908, which on account of our lack of cruisers have been kept on the Navy list, though only 5 of them are still in active commission.

These 22 ships with the 18 first-line cruisers of our Navy comprise the 40 cruisers referred to by the President in his armistice day speech. As they are all superannuated and as none of them have the cruising speed required of modern cruisers they can not in any way be considered in making up a list of serviceable vessels of the fleet and should and will be replaced as soon as the fleet can be provided with an adequate modern cruiser force.

These 18 modern cruisers will not be enough to take care of the needs of the fleet alone by some 10 vessels, and will allow us no additional cruisers for destroyer flagships, for detached service, or for the protection of our commerce. In this very important branch of the service we are distinctly lacking, and until the deficiency is made up the fleet can neither operate effectively nor can our commerce receive that protection which it manifestly should have.

Great Britain has 13 treaty cruisers of 10,000 tons and 2 of 8,300 tons built and building. She has, further, 2 of 8,300 tons appropriated for and 3 more authorized, 1 of 10,000 tons and 2 of 8,300 tons.

If she keeps up her program, she will have in 1931, 20 of these 8-inch-gun cruisers, and aside from this she has 47 other cruisers within the effective age, of 233,940 tons, running from 9,770 tons down to 3,750 tons each, none of which carries 8-inch guns, although 4 of the larger vessels carry seven 7.5-inch guns and are very much more powerful than are our 7,500-ton cruisers, giving her an aggregate tonnage of first-line cruisers of 397,140 tons now built, building, and appropriated for.

Japan has built, building, and appropriated for 8 of the 10,000-ton cruisers and 25 smaller first-line cruisers running from 3,100 tons to 7,100 tons each, of a tonnage of 133,955, giving her an aggregate tonnage of 213,955 tons.

Heretofore I have had printed at various times in the RECORD certain tables covering the relative strength of the navies of the several countries party to the treaty. Differentiation between first and second line combatant vessels was based in those tables on a definition which was, in general, as follows: First-line ships were those which were fit for use in a general fleet action where speed was an essential requirement and no cruisers under 29 knots speed were included; second-line ships were those which were fit mainly for subsidiary service in a naval campaign. In view of the tentative agreement which was reached at Geneva

during the summer of 1927, that the effective life of a cruiser would be 20 years, of a destroyer 16 years, and of a submarine 13 years, the figures now furnished are on the basis of age, which is the basis which would probably be used in any further conference on limitation in these types of vessels.

I ask to have printed in the RECORD tables showing the present cruiser strength of the five powers parties to the Washington treaty.

The VICE PRESIDENT. Is there objection?

There being no objection, the tables were ordered to be printed in the RECORD.

[The tables referred to appear on pages 1056 and 1057.]

Mr. HALE. Mr. President, the Geneva conference having broken up with no agreement reached, England having insisted that her naval strength must be based on her national needs and that therefore any possible agreement would involve an increase rather than a decrease in naval strength, it was up to us to quit marking time with our Navy and decide on its future building policy. The Navy Department accordingly, with the consent and approval of the President, presented to Congress a 5-year building program based on our national needs, which would have rounded out our Navy in certain classes of ships wherein we are not up to the mark, by replacing old and obsolete ships with modern up-to-date ships and by adding certain vessels in categories where we are lacking.

As I have said before, we have done practically no replacing since the Washington conference. We must bear in mind that ships of the Navy do not last forever and that under the accepted standards of ship longevity 20 years represents the useful life limit of any combatant ship of the Navy.

When the World War was over, in cutting down from a war-time to a peace-time complement, we naturally kept in commission the best of our ships, and the useful life of most of these ships has not yet expired. But the time will shortly come when the great majority of these ships will have exhausted their period of useful life and must be replaced.

That time has already been reached and passed in the case of the 22 old cruisers to which I have referred. These cruisers should have been replaced long ere this. As a matter of fact, we are now in this bill only partially taking up the necessary slack to make up for what we have neglected to do during the last six years and what all the other naval powers have done year by year.

Great as the cost of replacing our Navy will be, and there is no way of avoiding it if we are to keep up an effective Navy, it amounts to little or nothing compared with the enormous cost of carrying on a war. The financial cost of one month of war, as based on our expenditures in the last war, would be greater than the cost of replacement of our entire fleet.

A navy that is efficient and equal to that of any other navy in the world will, except in the case of a combination of the other naval powers of the world against us, assure us against getting into war. "When a strong man armed keepeth his palace his goods are in peace." A weaker navy will not do so, and the weak navy can not be made into a strong navy even under war-time pressure until months and years have elapsed.

The House has greatly cut down the program and the Senate Committee on Naval Affairs recommends the acceptance of the amended building program as adopted by the House. It is a 3-year instead of a 5-year building program. The present bill authorizes the construction of 15 cruisers at a cost of $17,000,000 each. These cruisers are to be treaty cruisers, carrying 8-inch guns and are replacements of superannuated cruisers still on the navy list.

When the ships carried in this bill shall have been completed, we will have 305,000 tons of cruisers, as against Great Britain's 397,140 tons at present built, building, and appropriated for, plus any additions thereto that she may make in the meanwhile; and as against 213,955 tons for Japan with any additions that she may make.

Obviously, the addition of these ships will not bring us up anywhere near to the ratio of 5–5 of the Washington conference as applied to Great Britain or to the ratio of 5–3 as applied to Japan, nor will it reach in cruiser tonnage any conceivable limitation that from past indications we may reasonably hope to bring about in the future with Great Britain.

Neither, as I have said before, will it meet our naval needs as indicated to us by the experts of the Navy Department.

It will, however, make up to a certain extent for our deplorable lack of vessels of this class.

In addition, the bill provides for the construction of one aircraft carrier, at a cost of $19,000,000, as a first step in taking care of a serious shortage.

Under the Washington treaty we are allowed 135,000 tons of aircraft carriers. We have at the present time the *Lexington* and *Saratoga*, with a tonnage of 33,000 tons each, and the *Langley*, which is an experimental vessel of very slow speed, and which will probably be scrapped as soon as she can be replaced.

The tonnage of the new carrier is to be approximately 13,800 tons. When built we shall have an aggregate carrier tonnage of 79,800 tons, or 92,500 tons if the *Langley* is still kept in commission.

The British have an aggregate tonnage of 107,550 tons and Japan of 63,300 tons. The building of this vessel will not bring us up to our ratio strength with either nation, as determined by the Washington treaty for vessels of this class.

Since the Washington conference we have started no new ships for our Navy, with the exception of the eight 10,000-ton treaty cruisers now appropriated for and building, six small river gunboats, and three submarines already authorized in the 1916 program. In addition we have under the terms of the treaty completed two aircraft carriers of 33,000 tons each that had been previously laid down as battle cruisers.

In other words, we have started very little modern construction since the Washington conference. Great Britain, on the other hand, has built two new battleships, which she had the right to do under the Washington treaty, and has built, is building, or has appropriated for thirteen 10,000-ton and four 8,300-ton treaty cruisers, and has authorized 3 more, 1 of 10,000 tons and 2 of 8,300; 20 destroyers, including 2 leaders; 21 submarines; and certain auxiliary vessels.

Japan has built, is building, or has appropriated for 16 first-line cruisers, included in which are eight 10,000-ton treaty cruisers, also 51 destroyers, including 24 which because of their displacement fall in the leader class, 33 submarines, and certain auxiliary vessels. Japan has also converted two battle cruisers into aircraft carriers.

France has built, is building, or has appropriated for 9 cruisers, 3 of 7,234 tons, 2 of 9,941 tons, 3 of 10,000 tons, and 1 of 6,496 tons; 44 destroyers, including 18 leaders; 57 submarines; and certain auxiliary vessels.

Italy has built, is building, or has appropriated for 8 cruisers, 4 of 10,000 tons and 4 of 5,000 tons; 32 destroyers, including 12 leaders; 27 submarines; and certain auxiliary vessels.

I have here a table showing the total tonnage of vessels (by classes) laid down or appropriated for since February 6, 1922 (date of Washington conference), and ask that it may be inserted at the appropriate place in the RECORD:

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

Total tonnage of vessels (by classes) laid down or appropriated for since February 6, 1922 (date of Washington conference)

Type	United States—laid down		British Empire						Japan					
			Laid down		Appropriation for		Total		Laid down		Appropriation for		Total	
	Number	Tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage
Battleships			2	67,400			2	67,400						
Aircraft carriers	2	[1] 66,000	2	[2] 37,200			2	37,200	2	[3] 53,800			2	53,800
Cruisers	8	80,000	15	146,600	2	[4] 16,600	17	163,200	15	118,285	1	10,000	16	128,285
Mine layers			1	6,740			1	6,740	1	[5] 3,000	[6] 1		2	3,000
Destroyers (all classes)			11	15,125	9	[4] 12,600	20	27,725	38	50,380	13	22,100	51	72,480

[1] Designed as battle cruisers, converted to aircraft carriers, standard displacement. Does not include weight allowance under Ch. II, pt. 3, Sec. I, Art. (d) of Washington treaty for providing means against air and submarine attack.
[2] Built as cruisers, converted to aircraft carriers.
[3] One designed as battleship, the other as a battle cruiser, both converted into aircraft carriers.
[4] Tonnage estimated.
[5] No data.

Total tonnage of vessels (by classes) laid down or appropriated for since February 6, 1922 (date of Washinton conference)—Continued

Type	United States—laid down		British Empire						Japan					
			Laid down		Appropriation for		Total		Laid down		Appropriation for		Total	
	Number	Tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage
Submarines (all classes)	3	8,200	15	22,625	6	9,240	21	31,865	28	40,264	5	8,570	33	48,834
Gunboats					4	[5] 4,800	4	4,800			[6] 2		2	
River gunboats	6	2,790	4	1,144	1	310	5	1,454	4	1,352			4	1,352
Mine sweepers			2	1,890			2	1,890	6	3,690			6	3,690
Submarine tenders			1	[5] 16,000	1	[5] 16,000	2	32,000	2	17,000			2	17,000
Tankers									3	46,200			3	46,200
Heavier-than-air aircraft tenders			1	[5] 5,000			1	[5] 5,000	1	[7] 15,400	1	6,311	2	21,711
Supply ships									1	17,500			1	17,500
Repair ships			1	[5] 14,000			1	14,000						
Auxiliaries, miscellaneous									1	1,400	[8] 2		3	1,400
Total	19	156,990	55	333,724	23	59,550	78	393,274	102	368,271	25	[9] 46,981	127	415,252

Type	France						Italy					
	Laid down		Appropriation for		Total		Laid down		Appropriation or		Total	
	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage
Aircraft carriers	1	[4] 21,654			1	21,654						
Cruisers	8	71,584	1	6,496	9	78,080	6	40,000	2	20,000	8	60,000
Mine layers	1	5,212			1	5,212						
Destroyers (all classes)	44	79,063			44	79,063	28	44,320	4	5,336	32	49,656
Submarines (all classes)	53	57,572	4	[5] 2,480	57	60,052	21	19,072	6	4,368	27	23,440
Gunboats			2	4,920	2	4,920						
River gunboats	1	708			1	708						
Mine sweepers							10	6,652			10	6,652
Submarine tenders	1	4,430			1	4,430						
Tankers	3	26,678			3	26,678	4	28,761			4	28,761
Heavier-than-air aircraft tenders	1	9,842			1	9,842	1	4,429			1	4,429
Repair ships							1	8,140			1	8,140
Total	113	276,743	7	13,896	120	290,639	71	151,374	12	29,704	83	181,078

[4] Designed as battleship, converted to aircraft carrier.
[5] Tonnage estimated.
[6] No data.
[7] Converted from collier to aircraft tender.
[8] Net layers.
[9] Exclusive of tonnage of 2 net layers, 2 gunboats, and 1 mine layer.

Mr. HALE. The multilateral treaty whereby nearly all of the important countries of the world agree to renounce war as a national policy is now ready for consideration by the Senate. The hopes of many people in the world are centered on this treaty. In my opinion, it should be ratified by the Senate, and I am confident that it will be ratified. I should not be in favor of its ratification, however, if I thought that thereby in any way our Government was committing itself to a policy that would lead to neglect of a proper national defense.

The present situation of the Navy is not in any way changed by the passage of the treaty. There is nothing in the wording of the treaty, as interpreted by the President, or in the notes exchanged between the various governments parties to it that in any way prohibits the exercise of the rights of self-defense. Indeed, the exercise of these rights is expressly excluded in certain of the aforesaid notes from the operation of the treaty.

The policy of this country has always been to maintain a Navy for defensive purposes. We do not need, and with the will of the American people for peace, shall not need a navy for purposes of aggression. As long as our Navy is capable of defending us, our home and foreign possessions, and our home and foreign commerce, we have little to fear from outside aggression. If powerful enough to withstand such outside aggression we can remain confident that we shall not be attacked nor our rights invaded.

It must always be remembered, however, that a defensive navy, after war is declared, must as soon as possible take the offensive and destroy the navy and the commerce of the country with which it is at war if the war is to be brought to a conclusion, and the possible offensive of the defensive navy must at all times be kept in mind and prepared for.

The naval strength of the five great naval powers in the world needs be purely relative. It should be possible to cut down proportionately the naval strength of these five great powers, and that is what the United States has sought to do along the lines of the ratio provided in the Washington treaty. We shall doubtless continue our attempts in this direction at the conference which takes place under the terms of the Washington treaty in 1931.

It is significant that since May 19, 1928, the date when the British Secretary of State for Foreign Affairs, Mr. Chamberlain, wrote to the American ambassador, Mr. Houghton, in part, as follows:

2. The suggestion for the conclusion of a treaty for the renunciation of war as an instrument of national policy has evoked widespread interest in this country, and His Majesty's Government will support the movement to the utmost of their power—

the United States has not authorized or appropriated for any new ships for our Navy. In the meantime there has been no let-up in the naval programs of other countries. For example, since the date mentioned Great Britain has passed the shipbuilding vote, which provides for two 8,300-ton cruisers, nine destroyers, including one leader, and six submarines. Again, on December 6, 1928, the French Chamber of Deputies passed the naval budget providing for one additional cruiser, six destroyer leaders, and six large submarines. From the best information available Italy has appropriated for two 10,000-ton cruisers, four destroyers, and six submarines. These examples are cited to show there has been no change in foreign naval programs due to the Kellogg pact.

An attempt has been made by those who do not believe that we should have a strong navy to create the impression that the building of these 15 cruisers is a move on our part toward competition in naval armament and that the building of these ships will incite the other naval powers to increase their own naval armament.

Competition, according to the dictionary definition, means "strife for superiority." For that we are clearly not striving.

The American position, clearly defined at the Washington conference and later at the Geneva conference, demands the right under any international agreement that may be made to have a navy the equal—not the superior—of any navy in the world; a navy based on the ratio adopted at the Washington conference for capital ships, and pending the application of that ratio to ships other than the above, it is no part of our American policy or plan to exceed in any naval program the basis of that ratio.

Mr. President, the ships provided in the bill before the Senate do not bring us up to within even measurable distance of the ratio.

The argument that if we do not build ships other countries will not is clearly disproved by the tables that I have inserted above.

While we have practically stood still the other naval powers have all gone ahead with big programs of modern construction. Instead of preventing them from building our own lethargy in building has, I believe, incited them to further building.

The Washington conference has very clearly proved that we can secure an agreement to cut down armament if we have a force that other nations can not hope to equal. The years since the Washington conference have proved the folly and the failure of the policy of not building with the hope that the other naval powers will do likewise.

The failure of the Geneva conference, I firmly believe, is directly due to that policy on our part of letting our Navy drop behind.

When we consider that our country is the richest and most prosperous country in the world, our aggregate wealth being greater than that of any other half dozen nations in the world combined, that our foreign commerce is the equal of that of any other country in the world, and reaches the stupendous figure of $9,000,000,000 a year, that we are the acknowledged money center of the world, and that with all these advantages we are naturally an object of envy to the rest of the world, and then when we further consider that our coast line is greater by far than that of any other naval power in the world, that our outlying naval stations, especially those at Panama and Pearl Harbor, are situated at a great distance from the mainland, and that their defense is of essentially vital importance to our mainland security and our coastwise trade, and, lastly, that we are creditors to the extent of many billions of dollars to three of the four other naval powers, it would not be assuming too much for us to take the position that our vast interests should be protected by the most powerful navy in the world. We could very well afford to keep up such a Navy without materially crippling our national resources should we see fit so to do—but we do not see fit so to do.

We are a peaceful Nation; we want peace and the benefits of peace. But we are not a supine Nation, and we shall never allow our rights as a Nation to be trampled upon. We believe that we can give security to our country and protection to our citizens and our interests at home and abroad with a navy that is the equal of any other power in the world, and beyond that it is not the American policy to go.

It is a peculiar thing that the United States alone of the five great naval powers seems to be subjected to adverse foreign criticism whenever legislation is proposed that will bring or keep her navy up to a state of efficiency. I have heard of no general foreign criticism of the British for the great building program projected by them since the Washington conference, or of the Japanese who have gone far ahead of all the powers in their submarine program, or of the French who have built large numbers of cruisers, submarines, and destroyers, or of the Italians who have materially increased their navy. The criticism seems to be directed wholly against the country that made the sacrifices in the Washington conference, and since that time has undertaken comparatively little new construction, when it seeks partially to recover the ground that it has lost through a vain reliance on a real world feeling for reduction in armaments, and it is particularly unfortunate that this unwarranted criticism from outside the country should be reenforced by such a loud and misguided echo from the opponents of preparedness here in the United States.

The opponents of preparedness in this country who seem to be united in their support of the multilateral treaty are equally united in their opposition to the cruiser bill. Apparently they think that the treaty will entirely do away with wars in the future, and that strong navies are no longer needed. They are willing through dependence on the multilateral treaty to allow our Navy to fall below the requisite strength of our national needs while the other naval powers instead of falling back are increasing their strength. They condemn any attempt on the part of the friends of the cruiser bill to secure its passage at this session of Congress on the ground that its passage will demonstrate to the rest of the world that we are hypocritical in asking the other nations to join in the multilateral treaty. Should they be wrong in their dependence upon the effect of the multilateral treaty our weakened position will inevitably bring disaster. That disaster, against the experience of history, they are willing to risk; that disaster the advocates of preparedness, and I believe a great majority of the people of the United States, are not willing to risk. An adequate preparedness based on the relative strength of other countries we insist upon.

The President and the Secretary of State, who negotiated the treaty and who are earnestly in favor of its adoption by the Senate, both stand foursquare for an authorization for additional cruisers. The President has stressed our need for these cruisers in no uncertain words.

Whose advice under the circumstances are we to take? The advice of the high officials of the Government who must have some familiarity with and knowledge of the treaty which they have negotiated and the international relations of our country with its naval needs, or the advice of the pacifist who is always to be heard clamoring against naval preparedness, and whose voice is never stilled in the land until the dogs of war, which a proper preparedness might have held back, are unleashed on his unfortunate country? Then he is very still indeed.

I can understand why other countries who are jealous of our power and our prestige should wish to have our naval strength cut down, though I should resent as a gross impertinence any attempt on their part to propagandize this country to bring about any such results.

The less powerful we are the less we have to say in the councils of the world, and it is entirely conceivable that other countries should consider it to their advantage that our naval strength be emasculated; but how any good American can seek to undermine the national defense it is beyond me to comprehend, and yet many excellent but misguided people in this country are doing exactly that.

It is not as though we were trying to build up a powerful Navy for purposes of aggression; the American people never will stand for that. Our interests and aims are all for peace and for the advantages that peace brings. We shall always endeavor to maintain a condition of world peace when world peace is at all possible, and our influence in doing so will depend largely upon our military strength, which in so far as our relations with the rest of the world is concerned means primarily our naval strength. To doubt the use to which we shall put that military strength is to doubt the will for peace of the American people. Our representatives at the Washington conference indicated the ratio on which our national needs required that strength to be kept up for the actual defense of our country against invasion, the protection of our commerce, and the maintenance of our national rights. Nothing that has occurred since that time leads to any indication that our relative position under the ratio should be changed. It is surely not an ignoble thing to do to keep our Navy up to those national needs. Not to do so might well subject us to military disaster or what is more probable to giving up some national right because of lack of power to maintain it. That is a position in which no good American should want to see his country placed. Let us by all means do everything that lies within our power to encourage treaties and agreements that will prevent war and that will result in a proportionate reduction of armament throughout the world, but until we know beyond peradventure of doubt that wars will not occur or until agreements have actually been reached providing for a proportionate reduction in armaments, let us keep up to the full measure of our national needs that arm of the service which must bear the first brunt of any hostile attack and which is the real life insurance of our country—the United States Navy. Let us no longer gamble on the chances that that life insurance may not be needed.

PRESIDENTIAL OFFICES AND CARRIERS

Mr. GEORGE. Mr. President, I submit a resolution which I ask may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 288) was read, as follows:

Resolved, That the amount authorized to be expended by the Committee on Post Offices and Post Roads in their investigation of the choice of postmasters in presidential offices and carriers, with particular reference to the circumstances and influences surrounding such choice, in Senate Resolution 193, agreed to May 3, 1928, hereby is increased from $5,000 to $8,000, to be paid from the contingent fund of the Senate upon vouchers properly approved.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate as requested by the Senator from Georgia.

Mr. GEORGE. In connection with the resolution I ask unanimous consent to have printed in the RECORD an editorial appearing in the Washington Post this morning.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, January 3, 1929]

A TAX ON POLITICAL JOBS

Since the South has become Republican territory leaders of that party can not afford to turn deaf ears to the evidence that has been brought out by the Senate subcommittee investigating the sale of postmasterships. The committee has sufficient evidence to show that a house cleaning is necessary, and the party should not leave it to the Government and the courts.

Senator BROOKHART has made public card indexes and check stubs from the offices of the Georgia Republican State central committee showing that postmasters were assessed according to their salaries. The money was collected monthly or quarterly on a business basis as a political assessment on the privilege of being an appointive employee of the Government. The committee also has evidence of the outright sale of one postmastership for $250. The party's own records show that postmasters of Georgia were "contributing" from $60 to $150 per year from their salaries.

Evidence at the hearings of the subcommittee tends to show that political tribute has been levied upon postmasters for several years. Numerous affidavits substantiate the charges that the sale of patronage has been going on in South Carolina, Tennessee, and other States as well as Georgia.

Federal statutes provide penalties for corruption of this kind. The situation should be investigated thoroughly and the violators prosecuted. But this will not relieve the Republican Party of its obligation to weed out of its ranks those who are responsible for this method of raising political funds.

MULTILATERAL PEACE TREATY

Mr. BORAH. Mr. President, I move that the Senate proceed to the consideration of the so-called multilateral peace treaty in open executive session.

The motion was agreed to; and the Senate in open executive session proceeded to consider the following treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States on December 4, 1928, and reported from the Committee on Foreign Relations on December 19, 1928:

THE PRESIDENT OF THE GERMAN REICH, THE PRESIDENT OF THE UNITED STATES OF AMERICA, HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE FRENCH REPUBLIC, HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, HIS MAJESTY THE KING OF ITALY, HIS MAJESTY THE EMPEROR OF JAPAN, THE PRESIDENT OF THE REPUBLIC OF POLAND, THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC,

Deeply sensible of their solemn duty to promote the welfare of mankind;

Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory Power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this Treaty;

Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavor and by adhering to the present Treaty as soon as it comes into force bring their peoples within the scope of its beneficent provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy;

Have decided to conclude a Treaty and for that purpose have appointed as their respective Plenipotentiaries

THE PRESIDENT OF THE GERMAN REICH:
Dr. Gustav Stresemann, Minister for Foreign Affairs;

THE PRESIDENT OF THE UNITED STATES OF AMERICA:
The Honorable Frank B. Kellogg, Secretary of State;

HIS MAJESTY THE KING OF THE BELGIANS:
Mr. Paul Hymans, Minister for Foreign Affairs, Minister of State;

THE PRESIDENT OF THE FRENCH REPUBLIC:
Mr. Aristide Briand, Minister for Foreign Affairs;

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND, AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:
For GREAT BRITAIN and NORTHERN IRELAND and all parts of the British Empire which are not separate Members of the League of Nations:
The Right Honourable Lord Cushendun, Chancellor of the Duchy of Lancaster, Acting Secretary of State for Foreign Affairs;
For the DOMINION OF CANADA:
The Right Honourable William Lyon Mackenzie King, Prime Minister and Minister for External Affairs;
For the COMMONWEALTH OF AUSTRALIA:
The Honourable Alexander John McLachlan, Member of the Executive Federal Council;
For the DOMINION OF NEW ZEALAND:
The Honourable Sir Christopher James Parr, High Commissioner for New Zealand in Great Britain;
For the UNION OF SOUTH AFRICA:
The Honourable Jacobus Stephanus Smit, High Commissioner for the Union of South Africa in Great Britain;
For the IRISH FREE STATE:
Mr. William Thomas Cosgrave, President of the Executive Council;
For INDIA:
The Right Honourable Lord Cushendun, Chancellor of the Duchy of Lancaster, Acting Secretary of State for Foreign Affairs;

HIS MAJESTY THE KING OF ITALY:
Count Gaetano Manzoni, his Ambassador Extraordinary and Plenipotentiary at Paris.

HIS MAJESTY THE EMPEROR OF JAPAN:
Count Uchida, Privy Councillor;

THE PRESIDENT OF THE REPUBLIC OF POLAND:
Mr. A. Zaleski, Minister for Foreign Affairs;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC:
Dr. Eduard Benès, Minister for Foreign Affairs;

who, having communicated to one another their full powers found in good and due form have agreed upon the following articles:

ARTICLE I

The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

ARTICLE II

The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

ARTICLE III

The present Treaty shall be ratified by the High Contracting Parties named in the Preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at Washington.

This Treaty shall, when it has come into effect as prescribed in the preceding paragraph, remain open as long as may be necessary for adherence by all the other Powers of the world. Every instrument evidencing the adherence of a Power shall be deposited at Washington and the Treaty shall immediately upon such deposit become effective as between the Power thus adhering and the other Powers parties hereto.

It shall be the duty of the Government of the United States to furnish each Government named in the Preamble and every Government subsequently adhering to this Treaty with a certified copy of the Treaty and of every instrument of ratification or adherence. It shall also be the duty of the Government of the United States telegraphically to notify such Governments immediately upon the deposit with it of each instrument of ratification or adherence.

IN FAITH WHEREOF the respective Plenipotentiaries have signed this Treaty in the French and English languages both texts having equal force, and hereunto affix their seals.

DONE at Paris, the twenty-seventh day of August in the year one thousand nine hundred and twenty-eight.

[SEAL]	GUSTAV STRESEMANN
[SEAL]	FRANK B. KELLOGG
[SEAL]	PAUL HYMANS
[SEAL]	ARI BRIAND
[SEAL]	CUSHENDUN
[SEAL]	W. L. MACKENZIE KING
[SEAL]	A. J. MCLACHLAN
[SEAL]	C. J. PARR
[SEAL]	J. S. SMIT
[SEAL]	LIAM T. MACCOSGAIR
[SEAL]	CUSHENDUN
[SEAL]	G. MANZONI
[SEAL]	UCHIDA
[SEAL]	AUGUST ZALESKI
[SEAL]	DR. EDUARD BENÈS

Mr. BORAH. Mr. President, I think it will be helpful to the Senate and most agreeable to myself if prior to submitting to interrogatories or questions, I be permitted to make a connected statement as to the treaty, including a recital in the nature of a brief history of its negotiation, and as to the

meaning of the treaty. I shall be very glad later to the best of my ability to answer any questions which may be propounded. I should like in the first instance to proceed, for a short time at least, uninterrupted.

Mr. President, the treaty which is before the Senate contains two articles, and only two, and I shall read those articles in order that we may have them in mind as we proceed with the discussion. Article I provides that—

> The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

Article II provides:

> The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

I think it is worth while to call particular attention to Article II. The general discussion in the popular consideration of the treaty has ranged almost entirely around Article I. To my mind the active virtue of the treaty lies in Article II. That article is in the nature of a pledge by the signatories to the treaty that they will in all controversies, of whatever nature or whatever origin, seek an adjustment through specific means. That is the treaty. That expresses the real object and scope of the treaty.

Article I has significance in throwing light upon the meaning of Article II, but the practical provision of the treaty is contained in Article II.

Fifteen leading nations of the world upon August 27, 1928, signed this treaty at Paris. Since that time some 43 or 45 other nations have adhered to the treaty. The treaty itself provides the manner in which adherence shall be had. I think practically all nations now have adhered; only three or four have not, and the indications are that they will later adhere.

A brief history of the treaty may properly begin, I presume, with the statement of M. Briand made upon the 6th of April, 1927, on the tenth anniversary of the entrance of the United States into the World War. At that time in a public statement M. Briand said:

> France would be willing to subscribe publicly with the United States to any mutual agreement tending to outlaw war—to use an American expression—as between these two countries. The renunciation of war as an instrument of national policy is a conception already familiar to the signatories of the covenant of the League of Nations and of the treaty of Locarno.

This statement was made in the course of an address or interview; it was not communicated to this Government; but the statement of itself led to much discussion throughout the world and was given great consideration in the press of the United States.

Later, upon the 20th of June, 1927, the French Government proposed a treaty between the United States and France which I shall read. It will be observed when we read this proposed treaty that it is in the same language as the treaty which was ultimately signed, the only difference in the two being such differences as were necessary to transform a bilateral into a multilateral treaty. I shall read the proposal, notwithstanding it is a repetition, in order that we may have it before us and in the RECORD.

> ARTICLE I. The high contracting parties solemnly declare in the name of the French people and the people of the United States of America that they condemn recourse to war and renounce it, respectively, as an instrument of their national policy toward each other.
>
> ART. II. The settlement, or solution, of all disputes or conflicts of whatever nature, or of whatever origin they may be, which may arise between France and the United States of America shall never be sought by either side except by pacific means.

After the proposal was transmitted to the Government of the United States the Secretary of State met with the Committee on Foreign Relations of the Senate and discussed it. I shall not go into a discussion of what transpired in the committee, but, after meeting with the committee, the Secretary made answer to the French Government, and the change the Secretary of State proposed consisted of nothing more than the change from a bilateral to a multilateral treaty. It was thought by our Government that, if the principle announced upon the part of the French Government was a sound one, it ought to be applied to all governments which were willing to become signatory to such a treaty.

It was thought, furthermore, that a treaty of the nature proposed by the French Government confined to the French Government and to the Government of the United States would be something in the nature of an alliance, and that it would place our Government in an attitude which it did not desire to occupy, apparently being willing to enter into a peace treaty with one government which it was not willing to enter into with another. Thus the multilateral treaty was proposed by the Government of the United States. We took the proposal of France literally and declared it to be our desire to extend it to all other nations. I think all will agree that this was the wise thing to do.

A vast amount of correspondence followed. Much of that correspondence has, to my mind, now become immaterial. Some of the suggestions proposed were abandoned; others were met by interpretation. I do not think it necessary to go into detail as to that portion of the correspondence which seems to me at this time to be irrelevant and which throws no light upon the treaty as it was ultimately signed. That correspondence gave rise to two important questions, and outside of the correspondence in general and public discussion a third question has been raised. To those questions it seems to me proper to refer in the opening discussion of the treaty.

The question which may be considered first not only in point of time but in some respects in importance is that of the right of self-defense under the treaty. It is conceded upon the part of all now that the right of self-defense is in no wise curtailed or embarrassed by the treaty, the Secretary of State taking the position, and the other governments promptly acceding to it, that the right of self-defense is an inherent right, implicit in every treaty; that it is a right which can not be bartered away, abrogated, or surrendered; and that each nation may under the treaty determine for itself when the right of self-defense arises and the extent to which it may go in defending its rights.

The criticism is at once made that this practically destroys the value of the treaty; that it is a weakness the measure of which can hardly be estimated, it is contended. If, say the critics, a nation may determine for itself what constitutes an attack and what constitutes the right of self-defense, it leaves the entire treaty and its effect within the judgment of any particular nation which may feel disposed to answer to an attack or threatened attack. I frankly concede, Mr. President, there is in that respect a weakness, but it is a weakness which is inherent in human nature and inherent in the conditions which obtain. I presume until we are willing to have a supergovernment, a government of sufficient sovereign power as a supergovernment to execute its decrees, that no nation will ever surrender or undertake to surrender—in my judgment it could not do so—the right of self-defense, and no nation will surrender the right to determine for itself what constitutes an attack or what is justification for defense. This is a right which must be conceded as a part of every treaty.

If the treaty undertook to provide such a surrender, I take it that it would not receive the support of anyone. It never would have been proposed by the President to the Senate, and would not meet with the approval of any Member of the Senate.

In discussing this question of self-defense, the Secretary of State had this to say:

> The Government of the United States believes that the right of self-defense is inherent in every sovereign state, and implicit in every treaty. No specific reference to that inalienable attribute of sovereignty is, therefore, necessary or desirable.

Later, in a speech made upon the 11th of November, 1928, a further statement was made by the Secretary in regard to this matter:

> The question was raised as to whether this treaty prevented a country from defending itself in the event of attack. It seemed to me incomprehensible that any nation should believe that a country should be deprived of its legitimate right of self-defense. No nation would sign a treaty expressly or clearly implying an obligation denying it the right to defend itself if attacked by any other country. I stated that this was a right inherent in every sovereign state and that it alone is competent to decide whether circumstances require resort to war in self-defense. If it has a good case, the world will applaud it and not condemn it; but a nation must answer to the tribunal of public opinion as to whether its claim of the right of self-defense is an adequate justification for it to go to war.

The only censor—and these things we may understand and frankly admit—the only censor or criticizing power of a nation exercising the right of self-defense, if it does not exercise it upon true principle, is the power of public opinion. There being no supergovernment, no tribunal to which to appeal, and no one willing to create a supergovernment, and no authority otherwise to pass upon the matter, that is the only judge that we can rely upon to censor this part of the treaty. I know of no other tribunal to which we can appeal for the rectitude of nations in the exercise of this right of self-defense.

On page 28 of the pamphlet which contains the correspondence the British Government, in speaking of this matter, use the following language:

The language of Article I, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. The Government of the United States have comparable interests any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government.

We shall have occasion, no doubt, to recur to this paragraph often in this debate; and I propose at this time to treat it only as it relates to the particular matter which I am now discussing.

The British Government in this note undertakes to define what it conceives to be the principle or right of self-defense as applied to the British Government. It contends that there are certain regions, which the Secretary of State for Foreign Affairs afterwards more accurately defines, interference with which, or attack upon which, would be regarded as an attack upon the British Empire; and would call for the exercise of the right of self-defense under the treaty. It is an expression of view as to the application of this principle. But the note neither adds to nor detracts from the treaty, for this right of self-defense is complete under the treaty itself.

It may be said, and undoubtedly will be said, that this gives the British Empire a wide region of the world over which to exercise the right of self-defense; and it does. That is by reason of the fact that the British Empire's possessions cover all quarters of the globe. But I know of no way and I know of no desire to deny the British Empire or any other government the right of construing the treaty in accordance with what it conceives to be necessary for the defense of its country. That at least is what the British Government in this instance undertakes to do, and indicates what its policy will be in the application of this principle. We may differ from the application of the principle, but, under the treaty, she is answerable alone to her own sense of honor and to public opinion.

Later, in discussing this particular matter in the House of Commons, when the Secretary of State for Foreign Affairs was interrogated with reference to this note, Mr. Chamberlain used the following language:

I venture to think that it does no good to put about those exaggerated suspicions, and that it will be much more helpful to say, what is the fact, that our doctrine is exactly comparable to that of the American Government; that it is not a doctrine of aggression, that it is not a desire for territorial expansion, but a pure measure in self-defense necessitated by the geographical position of the Empire.

A fair construction, therefore, of the language used both in the note and in the debate is that the British Government is attempting to confine itself, and thinks it is confining itself, to a principle contained in the treaty, and a principle which no one disputes—that is, the right of self-defense.

The honorable gentleman found fault with the wording of my note with respect to the passage dealing with self-defense. He appeared to think that that was something which I had added, and that it had no parallel in the American note.

Then, in the language which I have just quoted, he undertakes to show that it is purely a matter of self-defense, and not in excess of the claim or different from the claim made in the American note.

I ought to say here that this question of self-defense had been discussed by the Secretary of State in a public speech prior to the time of this note, and that that public speech had been transmitted with the note.

France, in discussing this question, on page 44 of the pamphlet, says:

Nothing in the new treaty restrains or compromises in any manner whatsoever the right of self-defense. Each nation in this respect will always remain free to defend its territory against attack or invasion; it alone is competent to decide whether circumstances require recourse to war in self-defense.

The German Government, on page 24 of the pamphlet, says:

As the need of the nations for the assurance of peace since the World War has already led to other international agreements, the necessity arises for the states concerned to make a decision as to the relationship in which the pact now being planned would stand to these international agreements which are already in effect. You have already, Mr. Ambassador, referred in your note to the considerations which were put forward in this connection by the French Government in its exchange of views with the Government of the United States. So far as Germany is concerned, the covenant of the League of Nations and the Rhine pact of Locarno come into consideration as international agreements which might affect the substance of the new pact; other international obligations of this kind have not been entered into by Germany. Respect for the obligations arising from the covenant of the League of Nations and the Rhine pact must in the opinion of the German Government remain inviolable. The German Government is, however, convinced that these obligations contain nothing which could in any way conflict with the obligations provided for in the draft treaty of the United States. On the contrary, it believes that the binding obligation not to use war as an instrument of national policy could only serve to strengthen the fundamental idea of the covenant of the League of Nations and of the Rhine pact.

The German Government proceeds on the belief that a pact after the pattern submitted by the Government of the United States would not put in question the sovereign right of any state to defend itself. It is self-evident that if one state violates the pact the other contracting parties regain their freedom of action with reference to that state.

Without taking time to read the different notes of the other governments, all governments take the position that the right of self-defense is not impaired under the treaty. Whatever may be the value of the treaty, it must be measured in its value by the full conceded right of self-defense by all signatories to the treaty. In this connection I desire to call attention to Article II in connection with the principle of self-defense.

It must be borne in mind that Article II provides that—

The settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them (the High Contracting Parties), shall never be sought except by pacific means.

If we assume, for illustration, that a controversy is on between two powers, that a dispute has arisen, and the controversy has proceeded to the point where both governments are engaged in considering it, the government which desires to live up to the treaty would, in my judgment, under Article II, have a right to say and would be in duty bound to say, "We desire peaceful settlement of this controversy under Article II. You have pledged that you will settle all controversies with us, of whatever nature or of whatever origin, by peaceful methods. We are prepared to carry out our part of the engagement and ask for a peaceful solution of the controversy."

No government refusing to come into conference, or refusing to make an effort for peaceful settlement, could, in my judgment, ever afterwards successfully claim that it was in good faith acting in self-defense. It would have great difficulty in satisfying the public opinion of the world that it was acting in good faith. It would indeed be violating the treaty. Here is a method and a means by which to test any government which might be acting not in good faith under the treaty, and to place it in a position before the world where it would be practically impossible to defend its course or conduct.

Another principle with reference to the right of self-defense is that it consists of defense only. When the attack has been resisted and the danger has disappeared, the right of self-defense no longer exists, under any rule with which I am familiar.

Let me say here that I have made the statement publicly, with which some have found fault, that these letters in no wise change the treaty. I wish to reiterate that. I have no doubt as to the correctness of that position. I do not mean to say that notes might not deal with the subject and in a way which would, as notes, constitute a change in the treaty, which would put a construction upon the treaty at variance with the terms of the treaty. What I do mean to say is that these notes do not assume to make any change in the treaty, since they contend for nothing more than that which is conceded to be within the terms of the treaty. The notes state no principle in this matter not already found in the treaty.

When the writers discuss the right of self-defense, and state what they understand to be the right of self-defense, they are doing nothing more than they would have a right to do had no note ever been written. When they say that "under the treaty we reserve the right of self-defense," they are undertaking, if they should use that language, to reserve that which is already provided for and reserved in the treaty.

It is in this sense that it is my contention that none of this correspondence results in any modification of the terms of the treaty itself, and that the treaty as signed is that which is to guide. These terms have not been changed.

The second proposition of importance is the question of sanctions. What agreement, express or implied, do the signatories to the treaty make with reference to enforcing the treaty? Is force or punitive measures, express or implied, anywhere provided for in the treaty? If a nation violates the treaty are we under any obligation, express or implied, to apply coercive or punitive measures? I answer emphatically, no!

It will certainly not be contended that the language of the treaty itself makes any such provision. The language of the treaty refutes the proposition. The philosophy of the treaty is not that of preventing war, but that of organizing peace, which is a wholly different thing. The treaty is not founded upon the theory of force or punitive measures at any place or at any time. It does not rest upon the principles upon which alliances and balance of power ordinarily rest, that of force behind the treaty to be applied in case anyone transgresses the treaty. That is not, in my opinion, within the terms of the treaty. I know it is not within the express terms, and I am equally certain that it is not within the implied terms.

There certainly can not be any implication for the use of force under a treaty which rejects the use of power or force or under a treaty which pledges pacific settlement of all controversies of whatever nature or kind. From language which rejects war and pledges the nations to the settlement of their controversies through peace how can we imply the implication at any time or under any circumstances to use force or to administer coercive or punitive discipline?

Let us read this treaty again in connection with that argument. It is very brief, fortunately:

> They condemn recourse to war for the solution of international controversies.

The treaty condemns war; not aggressive war, which was rejected, not this or that kind of war, but war as an institution. It rejects war as a method for settling international disputes. War is not condemned under certain circumstances but all circumstances.

That being true and that being the language, how may we imply that outside of the language is an inference that we will do that which the language positively prohibits?

> And renounce it as an instrument of national policy in their relations with one another.

Again, referring to Article II:

> The settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise among them shall never be sought except by pacific means.

So the language, plain, simple, and direct, that under no circumstances or conditions do we recognize coercive measures as a method of enforcing the treaty seems to be clear.

Not only is the language of the treaty, as I have indicated, clear and unmistakable, but at no time in this voluminous correspondence, coming up between 15 nations originally, and the correspondence laying the basis for adherence, has there been an indication or an implication that any nation conceived that there was any implied obligation upon the part of the nations to enforce the treaty or to punish an aggressor. At no time has that ever been suggested. They have swept the entire field of controversy and explanation with reference to possible exceptions or objections, but at no time and in no instance has any nation suggested that that implication might rest upon a government signing the treaty. The shrewd and discerning statesmen of 60 nations have failed to discover any such implications. And these same statesmen are as familiar with punitive measures and sanctions as any men anywhere on earth, for this is the first principle of European treaties.

I take it, Mr. President, that if such an implication should have been thought of, or had occurred to the mind of France or Great Britain, it would have been the first matter for consideration.

But I find nowhere in the language of the treaty or in the correspondence any reference to this matter, or any language which would indicate that it occurred to any of the Governments that such implication might arise.

It has been stated in the public press, by some critics of the treaty, that, while the language does not provide for force in the punishment of a violator of the treaty, such an implication is there; statements have been made, it is claimed, which indicate that Europe expects the United States will become responsible for the maintenance of the treaty even if force is necessary in order to maintain it.

Mr. President, I have been fairly familiar with the history of this treaty from its beginning, and before it began, and I have undertaken to follow as closely as I could the discussion of it, not only in this country but in foreign countries, both among public officials and the press, and I have been unable to find any discussion indicating any such opinion upon the part of the people of foreign countries. I know that that is not the construction which has been placed upon it very generally, not only by the press but by officials. The very opposite construction has been placed upon it over and over again by leading statesmen and publicists throughout Europe. I venture the opinion that no support for such a contention can be found in European thought.

At the time this treaty was signed, Lord Cushendun represented the British Government, owing to the fact that Sir Austen Chamberlain was ill. I do not think anyone familiar with the political philosophy of Lord Cushendun with reference to these matters and with his acute mind would suspect him of overlooking anything which might be appealed to in the way of force in connection with the enforcement of treaties. So startling a proposition as that of an implied obligation to use coercive measures against any nation which might break the treaty would scarcely escape his inspection of the document.

At the time the treaty was signed, Lord Cushendun said, in a public statement:

> In so far as America is concerned, I do not think the great part Mr. Kellogg has played should be interpreted to mean that we can expect any modification of the traditional American policy of aloofness. So far as the pact is concerned, it does not carry with it any implication on the part of America that she intends to enlarge her interest in European affairs.

This amounts practically to an official interpretation of the treaty by the British Government. At any rate, it strongly refutes the idea that the opinion is entertained in foreign countries that there is an implied obligation upon the part of the United States to use sanctions or to join in punishing European countries which would violate the treaty.

Later, and upon another occasion, Lord Cushendun said:

> There is an element in the British character which makes us shrink from expressing in exhuberant language the ideals which nevertheless supply the motive power of our action, either as individuals or as a nation. And I do not hesitate to say that I look upon the Paris pact as an instrument that proclaims a new era and creates a new outlook. That may not be immediately observable.
>
> Human beings have to adjust themselves to a new environment. But the up-growing generation, assimilating the new Zeitgeist will be nurtured in the idea that war, except in bona fide self-defense, is not a gallant adventure but a national dishonour.
>
> * * * If this hope should be even partially realised, then assuredly this year, 1928, in which we live, will be remembered as a notable landmark in human history, for it will be the fulfillment of the dream of the most ancient visionaries of our race.

It is well, too, to mention the fact that Lord Cushendun here states that no war under the treaty is admissible except a war in bona fide self defense. That should be considered in connection with the British note.

Lord Grey, in discussing the treaty, used this language:

> It is true there will be no sanctions under the American peace pact. Nations which sign it would not be under any obligations to take action against any nation which breaks it.

This is a statement by Lord Grey who has been an advocate and a strong advocate of the league and of the Locarno pact, and has been identified with all the peace movements since the great World War. It is his clear judgment, expressed by his emphatic and unmistakable language, that there are no implied sanctions, no promise express or implied upon the part of any nation to join in punishing one which shall break the treaty.

The London Daily News in discussing it said:

> America herself is under no obligation to punish or share in the punishment of the nation which may break its pledge.

The Saturday Review discussed the matter a little more fully and referred to the difference which we ought to keep in mind as to this treaty and ordinary treaties with reference to peace. It said:

> The essence of all European plans for preserving the peace has been the creation of sanctions against its violation. The essence of the American plan is that there shall be none but the moral sanction. The European school of thought seeks to preserve the peace by forming holy alliances to punish the aggressor; the American school rejects the idea of warlike sanctions and relies purely on the moral sanction. The one school seeks to create in a new form the old system of alliances to restrain an international criminal; the other is content to pronounce the sentence of outlawry against war and to trust to the conscience of nations to make it operative.

There, it seems to me, is an exact definition, an accurate distinction, between the ordinary peace treaties or alliances or balance of power and the present treaty. We ought to con-

sider the treaty for what it is. It may in the minds of some impair its value when we take away the idea of force being behind the treaty or sanctions existing, express or implied, but nevertheless that is the treaty. There are no sanctions; the treaty rests in a wholly different philosophy.

I read a paragraph now from an address by Dr. David Jayne Hill, one of our own great students of peace questions and of treaties, as applied to the question of sanction:

> From the draft of a bilateral treaty of perpetual friendship between France and the United States presented by the Minister of Foreign Affairs of France under date of June 20, 1907, has been developed a multilateral treaty, signed at Paris on August 27 by 15 Governments, including 5 great military powers, to which a great number of others have since expressed their intention to adhere. * * * What, it is asked, is to happen to a contracting party if it violates the compact? Is the United States under obligation to bring it to task and punish it for its defection? Not at all. Such a delinquent will have proved its disloyalty to its pledged word, but the United States makes no pledge to improve its morals or to inflict upon it a penalty by making war upon it. The United States does not guarantee these signatures. It proposes a policy of voluntary peace. This policy is not identical with that of several European political and military combinations. Those compacts require the contracting parties to punish war with war. What then will be the probable action of the United States under this compact toward a military situation in another part of the world? It will first of all no doubt remind the delinquent signatories of their solemn agreement. It may properly call attention to the existence of Article II of the multilateral treaty and the obligations under it. But there is no enforcement clause in this compact.

There is no obligation to go further than the treaty provides, and that is to settle the controversy through peaceful means, and in so far as the United States should take an interest in a particular situation which may arise under the treaty it would be guided and be compelled to be guided in accordance with the principles of the treaty, and that is to bring about peaceful and pacific settlement of the controversy.

Mr. REED of Missouri. Mr. President, will the Senator yield for just one question?

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED of Missouri. Is it the Senator's view that there is any obligation upon the United States in the case just stated to make any representations at all?

Mr. BORAH. No; I do not think there is any obligation in the treaty, but I say that if the United States should act it could be presumed to act only in accordance with the principles of the treaty and not in conflict with them.

Mr. REED of Missouri. But there is no obligation?

Mr. BORAH. There is no obligation whatever. This is a voluntary matter, as we might say, and as Doctor Hill said, in which they agree and pledge themselves respectively, to one another and to all, to settle their controversies through peaceful means; and if they violate that and disregard it, the treaty is at an end.

Mr. REED of Missouri. I thank the Senator, and I apologize for interrupting.

Mr. BORAH. That is all right. I am always glad to yield to the Senator.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. BRUCE. In other words, the one nation would simply say to the other, "You are not the nation that I took you for," and that would end the episode?

Mr. BORAH. I do not think, if a nation should simply say, "You are not the nation I took you for" and say nothing more, that it would be a violation of the treaty, and it is not probable a nation would do anything of that kind.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I yield.

Mr. JOHNSON. May I put it a different way, if it be accurate, and I ask whether or not the statement be accurate. Under the covenant of the League of Nations there was a moral obligation that existed, as the Senator believes?

Mr. BORAH. There was an express obligation.

Mr. JOHNSON. There was an express obligation, and it was an express obligation to enforce a breach of the peace or a violation of the provisions of the league?

Mr. BORAH. Yes.

Mr. JOHNSON. There is no such obligation, express or implied, under the present treaty?

Mr. BORAH. No; there is no such obligation.

Mr. JOHNSON. Suppose, however, that all of the nations that are parties to the multilateral treaty are parties to the League of Nations covenant save the United States, and assume that the breach shall be a breach of the peace under both treaties. We would then be one nation that was not a member of the league where there was a breach of the obligation both of the league and of this treaty in relation to the peace. Would there then be any obligation, express or implied, on the part of the United States to act?

Mr. BORAH. Not at all.

Mr. ROBINSON of Indiana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I will yield in just a moment. In other words, the covenant of the League of Nations had certain express provisions with reference to maintaining peace. The United States not having joined the league could not be bound by any of the obligations, express or implied, of the league, and, although all members of the league might be bound by reason of certain conditions which should arise, the United States would not be bound.

Mr. JOHNSON. What I am endeavoring to make plain, if the Senator will permit me, is that the breach was, alike under the covenant of the league and under this treaty, a breach of the peace. All the nations except the United States under the covenant of the league would endeavor to enforce the obligation that rests upon them and against the party that was guilty of the breach. The United States then would stand aloof, the only nation on the face of the earth that was a party to the same breach in a different treaty, doing nothing at all, with no obligation either express or implied.

Mr. BORAH. Exactly. In other words, when the treaty is broken the United States is absolutely free. It is just as free to choose its course as if the treaty had never been written.

Mr. ROBINSON of Indiana and Mr. SHIPSTEAD addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I will yield first to the Senator from Indiana.

Mr. ROBINSON of Indiana. I agree with the Senator that Article II is, of course, the most important part of the treaty. I assume the Senator believes with me that if the United States enters upon the treaty and becomes a signatory thereto, and if it is ratified by the Senate, the United States will be bound by the treaty and by Article II at all times.

Mr. BORAH. Yes; that is, bound so long as the treaty is not broken.

Mr. ROBINSON of Indiana. To get at the question in just a little different way from that which was suggested a moment ago, assume that France, for instance, and Colombia should get into a controversy of some sort and not observe the treaty. Assume that it led to warfare. What, then, should be the proper attitude of the United States under the treaty?

Mr. BORAH. The United States would be in just the attitude toward those nations that had broken the treaty and gone to war without regard to the treaty as if no treaty had been made. In other words, the moment a signatory to the treaty violates the treaty it releases all other nations as to that government violating the treaty.

Mr. ROBINSON of Indiana. But assume that both of them insist they were acting in self-defense, then who is going to decide that question and, if it is decided, no matter how, what is to be the attitude then of the United States? Could the Senator tell me that?

Mr. BORAH. The United States would have nothing to do with deciding the question of self-defense with reference to the action of any other nation unless the action of that nation were in the nature of an attack upon the United States iself. If that were true the United States would decide for itself what action it would take in that case.

Mr. ROBINSON of Indiana. In that event would the Senator say that the United States under this treaty would be justified in going to war against France to protect her rights under the Monroe doctrine?

Mr. BORAH. Absolutely. If the facts disclosed a disregard of the Monroe doctrine, that being a part of our self-defense, we would have the right to act in accordance with our free judgment.

Mr. ROBINSON of Indiana. Then the language does not mean what it says.

Mr. BORAH. Yes; it does. It means exactly what it says.

Mr. ROBINSON of Indiana. It says:

The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

Mr. BORAH. When France undertakes to settle it by other means than pacific means, by going to war, as the Senator said, France has violated the treaty and the United States is released. In addition to that, the Monroe doctrine raises the question of self-defense.

Mr. ROBINSON of Indiana. But let us assume France insists that she is acting in self-defense.

Mr. BORAH. I suppose the Senator is getting at the Monroe doctrine?

Mr. ROBINSON of Indiana. Precisely. If the Senator feels that this language does not mean what it says under certain conditions, then what would be the objection to a resolution setting forth exactly what we do mean by it, giving us the moral right ultimately to protect the Monroe doctrine?

Mr. BORAH. In my opinion when we push the Monroe doctrine outside of the principle of self-defense we have no Monroe doctrine at all. There is only one principle upon which the Monroe doctrine has ever rested. We can not maintain it upon any other principle. That principle is the right of self-defense. That was the principle which caused its enunciation. That is the principle upon which we have maintained it, and if we push it outside of that we have no right to interfere in South American affairs at all.

Mr. ROBINSON of Indiana. Precisely, but as the treaty now stands it is multilateral and we took the initiative to make it a multilateral treaty. To some degree, therefore, we are responsible for the treaty's being observed throughout the world because we took the initiative to make it multilateral.

Mr. BORAH. The fact that we took the initiative does not give rise to any implication or obligation other than that which is contained in the initiative which we finally consummated.

Mr. ROBINSON of Indiana. Other signatories to the pact, however, found it necessary, or seemed to find it necessary, to write into their ratification in one manner or another the right of self-defense. Does not the Senator think that the United States, to be perfectly safe, ought to write the same kind of a provision into its ratification by the Senate?

Mr. BORAH. I take it that the Senator perhaps is not familiar with all the correspondence; but the first nation to write such a stipulation into this treaty—if that is what the Senator calls it; I do not call it that, because it was already in the treaty—was the United States. The United States said that under this treaty the United States has the absolute right of self-defense. Ours was the first Government so to state. My contention, however, is that the right of self-defense would have been just as plain and just as inalienable and just as perfect without any letter from anybody at all.

Mr. ROBINSON of Indiana. But, Mr. President, if we should go to the defense of Columbia in a supposed case, such as I suggested a moment ago, and the other 50 or more signatories to the treaty—and none of them is any too friendly to us—should insist that we were not acting in self-defense in accordance with the treaty itself, I am asking the Senator then if we would not be proscribed by the remainder of the world? Then would we not possibly have to fight all the world to defend the Monroe doctrine? In other words, is it not about as well that we take care of our own business?

Mr. BORAH. Oh, it is exceedingly important that we take care of our own business, but it is also exceedingly important that we do it intelligently.

Mr. ROBINSON of Indiana. That is just what I am suggesting.

Mr. BORAH. Mr. President, the Monroe doctrine, as I have said, in my judgment is just as much a principle of self-defense as is our right to resist if France should attack Norfolk, Va.

Mr. ROBINSON of Indiana. Then, would there be any harm in saying so?

Mr. BORAH. We have said so.

Mr. ROBINSON of Indiana. Can we not say so again in the ratification?

Mr. BORAH. The Senator from Indiana is saying so again, but it is in the treaty and saying so again adds nothing. [Laughter in the galleries.]

The PRESIDING OFFICER. The galleries will please preserve order.

Mr. SHIPSTEAD. Mr. President, will the Senator from Idaho yield to me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield.

Mr. SHIPSTEAD. This question came to my mind during the discussion. The League of Nations as a military alliance provides for sanctions in case of the violation of treaty obligations. If such a contingency should arise as that one of the signatories to the compact should violate the compact and the council of the league should invoke sanctions, should impose, for instance, an economic blockade upon the offending nation, and that blockade should interfere with the commerce of the United States, would the Senator believe that that was a violation of the treaty?

Mr. BORAH. Mr. President, I beg the Senator's pardon. I had lost a paper, and while I was looking for it my attention was diverted from his question. Will he again state his question?

Mr. SHIPSTEAD. If a condition should arise by which a member of the League of Nations should violate or in the opinion of the council should violate any of its obligations under the compact of the League of Nations, and the council, feeling competent to apply sanctions, as the pact provides, in order to discipline such nation, should do so, for instance, by the application of an economic blockade, and that blockade should interfere with the commerce of the United States, should interfere with our right to trade, would the Senator believe, if such a condition should arise, that it would be a violation of the treaty?

Mr. BORAH. No; I should not. In other words, as I understand the Senator's question, it is this: If under Article XVI of the League of Nations conditions should arise which would justify, in the opinion of the league, the application of a blockade, and the League of Nations should put into execution a blockade, the question which the Senator is interested in, I take it, is whether or not we would be bound to recognize that blockade in carrying on our commerce? In my opinion, this treaty does not affect such a situation at all and has nothing whatever to do with it. Our right to trade and our commercial rights would in no wise be affected.

We would as a neutral, and not being a member of the league, have the right to carry on our trade under the rules of the sea and this treaty would not curtail or embarrass that right. If a controversy should arise we would then be bound to settle the controversy through peaceful methods.

Mr. REED of Missouri. Mr. President, will the Senator pardon me if I ask him another question right there?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED of Missouri. I should like to inquire about how long he thinks the war would have to last before we could settle such a controversy by peaceful means?

Mr. BORAH. Perhaps I do not understand the Senator's question.

Mr. REED of Missouri. About how long does the Senator think the war, of which we have been speaking, would have to last in order for us to settle our right to violate the blockade and settle it by peaceful means?

Mr. BORAH. We would not have anything at all to do with the time the war lasted.

Mr. REED of Missouri. The Senator does not understand me.

Mr. BORAH. No; seemingly I do not.

Mr. REED of Missouri. Perhaps, I asked the question stupidly.

Mr. BORAH. I think not, but probably we are thinking about two different things.

Mr. REED of Missouri. The question is in connection with the colloquy which has preceded. I understood the Senator from Idaho to say in answer to the Senator from Minnesota [Mr. SHIPSTEAD] that if the League of Nations were to declare a blockade and we were to disregard the blockade and a controversy should arise, it would then be our duty under the so-called Kellogg treaty to settle that controversy by peaceful means. I asked the Senator how long he thought the war would have to last for us to get a decision by peaceful means in a controversy of that kind.

Mr. BORAH. I do not know, and neither would I care particularly, because we would conduct our commercial transactions upon the theory that we had a perfect right to do so, and the pending treaty would have no application to such a situation at all.

Mr. REED of Missouri. Exactly.

Mr. BORAH. Only in such an instance where an actual controversy arises which we would recognize would we be under any obligation to negotiate with any nation which was interested in the blockade.

Mr. REED of Missouri. I do not desire to prolong the discussion, and I apologize to the Senator for having asked the first question which started all of these questions after he asked not to be interrupted; but, since he has been interrupted, let

me follow the illustration through, merely to get the Senator's opinion. I do not, as I have said, care to debate it at this time, but I should like to get the judgment of the Senator from Idaho.

Assume that a war is threatened and that the League of Nations, under Article II, proceeds to declare that there is a threat of war between two nations, either members or non-members, and thereupon the league applies, sanctions, or declares a blockade or goes to war and resorts to force, all of which, of course, is reserved in Article II. Among other things, the league undertakes to blockade the ports and destroy the commerce of the offending nation, and seizes our ships passing over the high seas to the ports of the nation declared to be the offending nation. Of course, we can protest by peaceful means, but I reaffirm practically what I intimated in my question, that I think it would be a very long war and would not be terminated before we would get through with peaceful negotiations.

If, instead of doing that, we were to do what we would do if we had not signed this treaty, if the case became aggravated we would convoy our merchant ships by our men-of-war.

Mr. BORAH. Which we would have a perfect right to do under this treaty.

Mr. REED of Missouri. But suppose some ship of the league or some nation controlled by the league should attempt to take a merchant vessel from under the guns of our man-of-war, what would we do—negotiate or defend? And does not this treaty absolutely bind us not to fire a shot in defense of that vessel?

Mr. BORAH. Not at all; not at all.

Mr. REED of Missouri. Then we are at perfect liberty to go anywhere we want to in the world on all the waters of the seven seas, without waiting for negotiation, to defend the rights of American citizens, and American property by our cannon and our men just as we are now if we do not sign this treaty.

Mr. BORAH. Mr. President, if such an incident should occur as that which the Senator relates, it would be an act of war upon the part of the nation attacking us. If it undertook to take our property or take our citizens from under our protection, in my opinion that would constitute an act of war. The nation guilty of such act would have violated the treaty and we would be released.

Mr. REED of Missouri. We might so treat it, but the other nation, on the other hand, could claim that it was merely exercising a proper right of search and seizure under the law of nations.

Mr. BORAH. The Senator is now stating an entirely different proposition.

Mr. REED of Missouri. That would be the claim at the time; and the question is, under the terms of this treaty should we surrender that vessel and go to some tribunal somewhere to settle the controversy, or are we by this treaty left at liberty to act just the same as though we had not signed the treaty.

Mr. BORAH. In my opinion, if the acts of the government to which the Senator refers, whatever government it might be, were such as to constitute war we would be relieved, of course, from the obligations of this treaty. If they were not such as to constitute war, of course we would be bound by the terms of the treaty.

Mr. REED of Missouri. The mere taking of a merchant vessel under a claim of right is not an act of war in itself. I do not want to debate the question; I merely wish to get the Senator's view of it.

Mr. BORAH. Let me state it a little more fully then. If the act of the nation in challenging our right upon the sea should be such as to constitute an attack by force to take possession of our citizens or our property it would undoubtedly constitute an act of war. If, on the other hand, the action of the Government should be nothing more than the exercise of a right under maritime law to search for contraband and seize it, it would not be an act of war, and we would not be justified in using force. That is precisely the principle which we followed during the World War.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Missouri?

Mr. BORAH. I do.

Mr. REED of Missouri. If the Senator will pardon me for asking a further question; has it not been the claim at all times of all of the nations which have seized the commerce of other nations upon the high seas that they were acting in accordance with the laws of war and merely searching or seizing because contraband or alleged contraband was being carried?

Mr. BORAH. Of course, a nation might make a claim that it was acting in self-defense when it was not; it might make a claim that it was complying with maritime law when it was not; that is a situation that can not be obviated, of course; but I am assuming now in discussing this treaty that there is an honest effort to live up to the terms of the treaty and that the nations are acting in good faith in regard to it. If that be true, the nations would have no right to use force while a government was pursuing the course mapped out by maritime law with reference to searching for contraband.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I do.

Mr. BINGHAM. Does the Senator feel that there is anything in this treaty which changes American practice and American policy for the past century in regard to sending our warships and marines into various parts of the world to defend the lives of American citizens or the property of American citizens which may be threatened?

Mr. BORAH. As I understand, it is a well-established rule and principle of international law that a nation—the United States, for illustration, here—would have a perfect right, without going to war or being under the principle of war, to protect the lives and property of its citizens from threatened attack in foreign countries. If it goes beyond the principle or the necessity of protecting the lives and property of its citizens and interferes with the political organization of the foreign government and attacks its sovereignty or its sovereign rights, of course that is war; but so long as its action consists of defending and protecting the lives and property of the citizens it is not war, and never has been regarded as war. International law does not treat such action as war, and no nation has a right to call it war; so this treaty would not affect that situation at all.

Mr. BINGHAM. Does the Senator think, then, that under this treaty we would have the right to deal with foreign nations under all the various forms of nonamicable measures, short of war, which are recognized in international law?

Mr. BORAH. Yes; I think so—short of war, if conditions justified.

Mr. BINGHAM. Including reprisals?

Mr. BORAH. We now settle those things by peaceful means if we can. We undertake to settle them in the same way in which this treaty provides for settling them. That is our policy. That has been our policy since the beginning. If a nation refuses settlement by peaceful means we may rest upon our rights under international law even to the extent of reprisals or other more amicable methods.

Mr. BINGHAM. Then the Senator does feel that the treaty represents no change in our policy?

Mr. BORAH. Not in regard to the matters of which the Senator has now spoken, always taking the acts of the other nation into consideration.

Mr. BINGHAM. That is, with regard to the defense of American lives and property abroad?

Mr. BORAH. Yes. I do not wish the Senator to understand from that, however, that in looking back over the past I regard all acts in defense of the lives and property of American citizens in foreign countries as coming under the rule which I have just stated. I think we have carried on war in certain instances. I do not care to go into that discussion now; but I should not want to be understood as asserting that in all the things we have done heretofore we have kept out of war. I state a principle and do not approve any particular instance.

Mr. BINGHAM. Will the Senator pardon one further question?

Mr. BORAH. Yes. I yield.

Mr. BINGHAM. The Senator mentioned, in the second article of the treaty, particularly the last phrase, "except by pacific means." Before the Senator gets through will he explain to us, so that there may be no doubt about it, that a good deal of what has been published in the press as to what is meant by "pacific means" is incorrect, and that the phrase "pacific means" includes nonamicable measures short of war, which might also include such things as a display of, or restricted use of, force, embargo, nonintercourse, reprisals, retortion, and the breaking of diplomatic relations?

Mr. BORAH. Mr. President, to state in a single paragraph what I understand this treaty to mean in connection with that question, it is this:

We pledge ourselves by this treaty to adjust our controversies with other nations through peaceful means. That may consist of settling them through diplomatic channels; it may consist of settling them under the conciliation treaties, or the arbitration treaties, or The Hague tribunal, or any other method which at the time we may be able to devise to come to an understanding with that nation, this side of war.

Mr. BINGHAM. Mr. President, will the Senator yield there for just a moment?

The PRESIDING OFFICER. Does the Senator from Idaho further yield to the Senator from Connecticut?

Mr. BORAH. Yes.

Mr. BINGHAM. All the means which the Senator has just referred to are in international law usually considered to be "amicable" means of settling a question. The Senator has not yet referred to those five or six means generally referred to as "nonamicable means short of war," which are sometimes held to include also pacific blockades.

Mr. BORAH. We would undoubtedly have the right to employ all means coming within the pacific settlement or the peaceful settlement of disputes which are this side of war. For instance, if we wanted to break off diplomatic relations with a country, there would be nothing in this treaty to prevent that. It is not necessarily regarded as an act of war. But undoubtedly the treaty obliges us to employ peaceful methods and we depart from that only when such methods are rejected or disregarded by the other nation.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. In just a moment. This treaty pledges us not to resort to war except in self-defense. It pledges us to seek settlement through peaceful means; and, in my judgment, we can only depart from that as we find those methods are rejected by other powers. If the other nation will not join in the settlement through peaceful means, then we take such action as seems best adapted to bring about protection to our people or their property, or to the Nation as a whole. But we can never under the treaty go to the extent of resorting to war except in self-defense.

Mr. BINGHAM. Then there is nothing under the treaty which would prevent us from sending a cruiser into the heart of China, to the port of Hankow, as we had to do last year, if we believe that American lives and property are in danger there?

Mr. BORAH. I understand not; because that would not be an act of war. It never has been held to be an act of war. I assume that life and property are in actual danger.

Mr. BINGHAM. In other words, if under the treaty we are permitted to send our cruisers to all parts of the world where we think American lives are in danger, the ratification of the treaty would in no way diminish our necessity for cruisers?

Mr. BORAH. I do not know about that. I am not committed to that doctrine without explanation. That is to say, I do not think that it likely will result in diminishing our desire for cruisers at once. It is my hope that if this treaty obtains the confidence and faith of the nations and they live up to the treaty, in time disarmament will inevitably follow to a marked degree, just as in the relationship between this country and Canada through a hundred years we have lived on the most peaceful terms. We have destroyed our forts and all means of protecting one another by force along the border. That has ripened into a sentiment in both countries which gives us entire confidence in each other.

It is my hope that in time this treaty would have an effect of that kind. I am not, however, one of those who believe that we should to-morrow, by reason of signing this treaty, disband our Army or destroy our Navy, because we can reduce our Navy only in proportion to some degree, at least, as other nations do the same thing. We must get the confidence of those nations in peaceful methods and the settlement of disputes through peaceful methods before we can expect them to reduce their navies to any marked degree; and so long as they do not reduce theirs it is but wisdom that we keep a reasonable navy for the purpose of protecting ourselves.

Another proposition is that this treaty does not at all impair the right of self-defense. The Navy as a whole will not be destroyed in my time, or the Senator's, because that confidence will not arrive to that extent. Nevertheless, in my judgment that will not prevent a reasonable reduction of armament when the nations come to have more confidence in the settlement of their controversies through peaceful means, and it is my great hope that it will bring about a state of international confidence and good will which will reduce armaments. But the treaty must be given time to effectuate that confidence and in the meantime let us not destroy our navies, but keep them down to a reasonable protection of our rights at sea.

As a matter of fact, there is not a thing in this treaty that has not been a fundamental foreign principle of ours from the beginning of the Government until this hour. There is not a principle in it that we have not advocated over and over again since John Jay signed the first treaty for the settlement of all controversies through peaceful means.

Mr. JOHNSON. May I ask just one question in that regard?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California? Hereafter will Senators who desire to interrupt please address the Chair?

Mr. JOHNSON. Mr. President, will the Senator yield for just a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I do.

Mr. JOHNSON. I should like to ask the Senator a question following what he has said, which I think is quite accurate, and with which I have full sympathy?

Could the United States, if this pact had been in full force and effect, have fought the Spanish-American War?

Mr. BORAH. In my judgment it could, upon the theory upon which we professed to fight it. Our ships had been attacked, our people had been murdered, and we had a perfect right to defend ourselves against these attacks.

Mr. JOHNSON. But does not the Senator think the cause of the Spanish-American War was far different from that?

Mr. BORAH. It might have been the cause. If so it would have been prohibited by this treaty.

Mr. JOHNSON. Did we not fight it upon an entirely different basis from that?

Mr. BORAH. I do not know what the Senator has in his mind.

Mr. JOHNSON. Nonamicable reasons have been given by the Senator from Connecticut [Mr. BINGHAM]. Rather sentimental reasons dictated the Spanish-American War, did they not?

Mr. BORAH. Well, I suspect that those reasons entered into it. I should hope that if we ratify this treaty we would be more vigilant in confining ourselves to actual attacks and not sentimental attacks. But our ship had been sunk, American lives lost, and we at least professed to be moved in the protection of life and property.

Mr. JOHNSON. But I understand that the Senator says that with this treaty in full force we could still have fought, without being guilty of a violation of it, the Spanish-American War.

Mr. BORAH. On the basis, as I say, of the blowing up of the *Maine*. I do not know who was responsible, but the disaster had occurred and it was for our Government to determine who was responsible.

Mr. JOHNSON. But upon the basis of the facts that are before us, and the reasons that were given, we could have fought that war?

Mr. BORAH. I think we could. But only upon the theory that we acted in good faith in defending against any further attacks.

Mr. REED of Missouri. Why, Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri desire to interrupt?

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I do.

Mr. REED of Missouri. Does not the Senator recall that when the *Maine* was blown up the Spanish Government immediately disclaimed the act, and that the Spanish Government made almost every conceivable effort to avoid the war by peaceful means? If this treaty had been in effect, surely we would have been bound, under the representations of the Spanish Government, to have arbitrated that matter.

Mr. BORAH. Mr. President, we would not be bound under this treaty, in my opinion, in any different way than that in which we were bound at that time, for this reason: We either acted in good faith or in bad faith with reference to the reason why we fought the Spanish-American War. We could doubtless assign a bad reason and a hypocritical reason under this treaty. We were under obligations to settle with Spain at that time through peaceful means, according to the principles which we had announced for a hundred years, if we believed that Spain was acting in good faith, and that we could protect our rights through peaceful means.

But after the incident as it occurred, after our property had been destroyed and American lives destroyed, it was for the Government of the United States to determine what constituted a real defense of our rights; and when this treaty is ratified it will be for the Government of the United States to determine, upon any particular state of facts or any set of conditions, as to what constitutes a defense of its rights. The principle of the treaty is that we can only go to war in self-defense; if we did not do that in the Spanish-American War, then it would have been barred by this treaty.

Mr. REED of Missouri. That would be true of every other nation and every case.

Mr. BORAH. I said in the beginning that we must admit that the fact that every nation had a right to determine for itself what constitutes self-defense, and how it should apply, is a weakness upon the part of the treaty; but it is a weakness which is inherent in the condition of things which now confronts the world. There is no Senator in this Chamber who would more seriously and effectively attack a treaty which undertook to deny the right of the United States to self-defense than the able Senator from Missouri. There is no way to bridge that chasm.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I do.

Mr. BARKLEY. I was called out of the Chamber and did not hear all of the Senator's discussion as to just what this treaty includes. As I understand the Senator construes this treaty, or Article II of it at least, to mean that as to every controversy, of whatever nature or character, that might arise out of the application or interpretation of the Monroe doctrine, the treaty compels us to submit it to arbitration or to make every possible effort to arrive at a pacific settlement. What effect would that have upon a controversy similar to that which arose between Great Britain and Venezuela during the administration of President Cleveland?

Mr. BORAH. What we undertook to do at that time was to bring about exactly that situation, a peaceful settlement of the controversy; and that is what we did.

Mr. BARKLEY. But there was some strong language used in the message of the President on that subject, which indicated that if Venezuela and Great Britain were unable to settle their dispute amicably we would probably settle it in another way.

Mr. BORAH. Exactly; and if this treaty were ratified and any nation refused to settle a controversy of that kind through peaceful means, disregarded our request in regard to it, and violated the Monroe doctrine, we would have a perfect right to defend the Monroe doctrine, just as we proposed to do at that time. We would be under obligation to do what we did do, to settle the controversy through peaceful means if possible; but the Monroe doctrine constituting an element of self-defense of the United States, we would have a perfect right to defend the Monroe doctrine, if it was attacked or defied through the acts of a European power.

Mr. BARKLEY. In the event there might be a conceivable controversy between some European nation and some South American or Central American nation involving a question of territory, which, if settled amicably, might result in the cession of a certain portion of territory in this hemisphere to the European nation as a part of an amicable settlement, would our consent to such a settlement in any way involve the abrogation of the Monroe doctrine upon the part of the United States?

Mr. BORAH. Oh, yes. The primary principle of the Monroe doctrine is that no foreign government shall acquire territory in South or Central America.

Mr. BARKLEY. That was not the original primary object. It was to prevent any European government taking any territory here if it was for the purpose of obtaining a foothold in the Western Hemisphere, but it did not cover a controversy over a boundary line. It was intended to keep European nations from an attitude of aggression in the Western Hemisphere, but not originally did it involve the question of disputes in good faith over boundary lines. I think our modern interpretation of the doctrine has been extended to the question of boundary lines. But would the Senator consider that we would in any way abrogate our right to assert the Monroe doctrine by the ratification of this treaty, under which we are obligated to resort to every possible means to settle disputes amicably, in the case of a dispute between a European nation and a South American nation over a question of that sort, which might result in a cession of territory to a nation which the Monroe doctrine involved?

Mr. BORAH. No; I do not think this treaty would in any way embarrass or impair our rights in asserting and maintaining the Monroe doctrine.

Mr. BARKLEY. And the Senator thinks those rights are governed by our own interpretation of the Monroe doctrine?

Mr. BORAH. Exactly. The Monroe doctrine is our doctrine. We announced it ourselves. It is a principle of self-defense. We alone interpret it. As Mr Wilson said, we interpret it, and we will never consent to anybody else joining us in interpreting it. Therefore, if a government of Europe should challenge whatever we deem to be the Monroe doctrine, refuse to settle a controversy between us with regard to it peacefully, we would undoubtedly be the sole judges, ourselves, of what constitutes the Monroe doctrine and how we should defend it.

Mr. BARKLEY. So that if any European nation and any South American nation should settle a dispute amicably between themselves but in our judgment that settlement, amicably arrived at, involved the question of the interpretation and application of the Monroe doctrine, we would then have the right to step in and interfere with that settlement, if necessary, even to the extent of going to war?

Mr. BORAH. Yes. That is, in case the government refused to settle with us peacefully.

Mr. BARKLEY. That is, if both governments refused to settle with us?

Mr. BORAH. Yes.

Mr. CARAWAY. Mr. President, earlier in the Senator's speech he said that if one nation should claim that it was acting upon the principle of self-defense, and another nation said, "I am willing to submit all these questions to arbitration," then that would determine the fact as to who was the aggressor. That is hardly the language of the Senator, but practically what he said.

Mr. BORAH. What I undertook to say was this, that as a test of the good faith of a nation which was claiming to be acting in self-defense, if we should say to that nation, "Let us settle this matter peacefully, let us adjust our controversy, let us arbitrate," and that nation should refuse any overtures of that kind, it would be very difficult for that nation to claim that it was acting in self-defense.

Mr. CARAWAY. In other words, the other nations would be justified in regarding that nation as an aggressor which refused to enter the settlement?

Mr. BORAH. I think they would be.

Mr. CARAWAY. I am asking the question because the Senator said, in answer to a question of the Senator from California, that we could have fought the Spanish-American War, if this treaty had been in effect, without violating its provisions. As I now recall, Spain disclaimed any responsibility for the sinking of the *Maine*, and was willing to settle those questions peacefully. How could we justify ourselves, under this treaty, in refusing to do that?

Mr. BORAH. As I said a moment ago, when you take into consideration the fact that the *Maine* had been blown up, our property destroyed, our means of defense attacked, and our citizens killed, the mere fact that Spain or some other government might disclaim its acts would not of itself be conclusive. The crime having been committed, the deed having been accomplished, the lives of our citizens lost, it would be for us to determine whether the disclaimer was in good faith and whether their action necessitated our action in regard to it. I repeat I do not pretend to say who, in fact, was responsible.

Mr. CARAWAY. In other words, as I understand the Senator, we could look within the minds of people and say, "While you say you are our friends, you are in fact our enemies," and still keep the treaty?

Mr. BORAH. Certainly. We would judge from all the facts—acts as well as words.

Mr. CARAWAY. I asked the questions because I did not understand the logic of that position.

Mr. President, owing to the lateness of the hour, I will move at this time that the Senate take a recess until to-morrow at 12 o'clock.

RECESS

The PRESIDING OFFICER (Mr. CURTIS in the chair). Before putting the motion for a recess, the Chair, under the order previously entered, will refer sundry executive nominations to the appropriate committees.

The Senator from Idaho moves that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 50 minutes p. m.) took a recess until to-morrow, Friday, January 4, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 3, 1929

SURGEON GENERAL AND CHIEF

Medical Director Charles E. Riggs to be Surgeon General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear admiral, for a term of four years.

COAST GUARD OF THE UNITED STATES

To be lieutenant commanders

Lieut. Noble G. Ricketts, October 1, 1928.
Lieut. Harold G. Bradbury, October 1, 1928.
Lieut. Irving W. Buckalew, October 1, 1928.
Lieut. Rae B. Hall, October 1, 1928.

Lieut. Arthur G. Hall, October 1, 1928.
Lieut. Ephraim Zoole, October 1, 1928.
Lieut. Paul K. Perry, October 1, 1928.

To be lieutenants

Lieut. (Junior Grade) Alfred C. Richmond, October 1, 1928.
Lieut. (Junior Grade) Walter R. Richards, October 1, 1928.
Lieut. (Junior Grade) Thomas Y. Awalt, September 10, 1928.
Lieut. (Junior Grade) Roy L. Raney, October 17, 1928.
Lieut. (Junior Grade) George B. Gelly, October 17, 1928.
Lieut. (Junior Grade) Russell E. Wood, October 17, 1928.
Lieut. (Junior Grade) Clarence H. Peterson, October 17, 1928.
Lieut. (Junior Grade) James A. Hirshfield, October 17, 1928.
Lieut. (Junior Grade) Joseph D. Conway, October 17, 1928.
Lieut. (Junior Grade) Charles W. Lawson, October 17, 1928.
Lieut. (Junior Grade) Frank T. Kenner, October 17, 1928.
Lieut. (Junior Grade) George C. Carlstedt, October 17, 1928.
Lieut. (Junior Grade) John Rountree, October 17, 1928.
Lieut. (Junior Grade) William W. Kenner, October 17, 1928.
Lieut. (Junior Grade) Stephen P. Swicegood, jr., October 17, 1928.
Lieut. (Junior Grade) Henry C. Perkins, October 24, 1928.
Lieut. (Junior Grade) Paul W. Collins, October 24, 1928.
Lieut. (Junior Grade) Charles W. Thomas, October 24, 1928.
Lieut. (Junior Grade) Frank A. Leamy, October 24, 1928.
Lieut. (Junior Grade) John H. Byrd, October 24, 1928.
Lieut. (Junior Grade) Beckwith Jordan, October 24, 1928.

The above-named officers have passed the examinations required by law.

To be lieutenants

Lieut. (Temporary) John McCann.
Lieut. (Temporary) Charles Etzweiler.

To be an ensign

Ensign (Temporary) Dwight H. Dexter.

The above-named officers have met the requirements for appointment in the regular Coast Guard, as set forth in section 5 of the act of July 3, 1926.

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

Brig. Gen. David St. Clair Ritchie, North Dakota National Guard, to be brigadier general, Reserve, from December 20, 1928.

PROMOTIONS AND APPOINTMENTS IN THE NAVY

Lieut. Commander William N. Richardson, jr., to be a commander in the Navy from the 11th day of December, 1928.

Lieut. Elliott M. Senn to be a lieutenant commander in the Navy from the 16th day of October, 1928.

Lieut. Vernon F. Grant to be a lieutenant commander in the Navy from the 16th day of November, 1928.

Lieut. Francis T. Spellman to be a lieutenant commander in the Navy from the 11th day of December, 1928.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 16th day of October, 1928:

Cecil Faine.
Hubbard F. Goodwin.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of December, 1927:

Gerald B. Ogle.
John R. Sanford, jr.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 4th day of June, 1928:

Walter B. Davidson.
Roy R. Ransom.
Benjamin May, 2d.
Alfred J. Benz.
Arthur D. J. Farrell.

The following-named citizens to be assistant dental surgeons in the Navy, with the rank of lieutenant (junior grade), from the 14th day of December, 1928:

Merrette M. Maxwell, a citizen of California.
Jackson F. Henningsen, a citizen of New York.

Pay Clerk Walter W. Metcalf to be a chief pay clerk in the Navy, to rank with but after ensign, from the 3d day of December, 1927.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 3, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We pause at the threshold of the new year, Righteous Father; into the folds of the coming months we pass. We believe that Thou art ever nearer than the sky and all the worlds that roll in light. In the care of business, at the hearthstone with the children, at the cot when we wrestle for our loved ones, we need not search for Thy presence, nor feel like an exile far from home. We thank Thee that Thou dost lift us to a knowledge of Thy love and protecting care, and that neither life nor death can change the manifestations of Thy heavenly providence. Oh, may the future glow with the glory of God. In the urgency of great duty or in the joy of a great purpose, may we feel ourselves allied to Thee. By simple honesty, by rejecting falsehood, by wise speech and brave example may we grow larger and better and become increasing forces in the affairs of state and society. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, December 22, 1928, was read and approved.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on December 22, 1928, present to the President, for his approval, a bill of the House of the following title:

H. R. 7324. An act for the relief of Orla W. Robinson.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following date the President approved and signed a bill of the House of the following title:

On December 22, 1928:

H. R. 7324. An act for the relief of Orla W. Robinson.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10093. An act for the relief of Ferdinand Young, alias James Williams.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 584. An act for the relief of Frederick D. Swank; and

S. 4712. An act to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.

The message also announced that the Vice President had appointed Mr. KEYES as a member of the committee of conference on the part of the Senate on the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, vice Mr. CURTIS, excused.

AMERICAN TARIFF AND TRADE POLICIES

Mr. HULL of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on trade subjects and some tariff subjects.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HULL of Tennessee. Mr. Speaker, the Republican proposal this year again to revise the tariff upward should be met by a Democratic challenge and demand to revise it downward. The Republican practice of accepting large campaign funds from tariff beneficiaries and later permitting them to come to Washington and write their own rates on the plea that the tariff must be revised by its "friends" should be met by a Democratic challenge and a demand that Congress, in the exercise of its own functions and prerogatives, shall write the rates. The Republican proposal to move farther in the direction of extreme high tariffs and more severe restrictions on international trade, in accordance with economic formulas and notions of the prewar vintage, should be met by another Democratic challenge and a demand that America, instead of being further subjected to supertariffs, must in the future work toward a constructive and liberal tariff and commercial policy with uniformity of treatment, in the light of the transformation and revolution in our financial, industrial, and commercial affairs since 1914.

A correct interpretation of these new and changed postwar conditions clearly demands foreign markets rather than excessive tariff protection. There are certain new and elemental facts about America's domestic and international situation that can not well be ignored. From the economic standpoint the United States should have two main objectives, viz, the home trade and continuous development of foreign markets. The future prosperity of this country is inseparably bound up with both.

Republican leadership, ignoring the secure and impregnable position of American industry in our home trade and clinging to preconceived ideas of narrow nationalism or exclusiveness, would continue extreme protection, breathing retaliation, primarily at the behest of antiquated or inefficient plants, those